

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 1

JANUARY 5, 1996

**SUBJECT: PROCEDURES FOR INTERRUPTING A CODE-TWO CALL - REVISED**


**PURPOSE:** Special Order No. 22, 1994 contained a section titled "Procedures for Interrupting a Code-Two Call," which established the requirement for officers to notify and obtain approval from a supervisor prior to interrupting their response to an urgent call. This Order revises the procedures for officers to interrupt a Code-Two response.

**PROCEDURE:** Officers who interrupt their response to a Code-Two call due to police work of major importance or other exigent circumstances shall immediately notify Communications Division. **Officers who interrupt their response to a Code-Two call for more than a brief delay** to evaluate the comparative urgency of an intervening incident shall also request Communications Division to reassign the call and shall **immediately** notify a concerned Department supervisor. Officers shall document the reason for the interruption with an appropriate log entry on their Daily Field Activities Report (DFAR), Form 15.52.0 or 15.52.1. No notification is required when a Code-Two call is interrupted at the direction of either Communications Division or a Department supervisor.

Concerned supervisors shall ensure that each interrupted response which resulted in reassignment of a Code-Two call is evaluated for appropriateness. In making this evaluation, the concerned supervisor should consider monitoring the divisional radio frequency, reviewing relevant log entries, responding to the scene of the interruption, or other appropriate action.

**AMENDMENT:** This Order amends Section 4/120.40 of the Department Manual.

**AUDIT RESPONSIBILITIES:** The commanding officer of each geographic operations bureau shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

  
WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 2

JANUARY 26, 1996

SUBJECT: WEAPONS IN THE COURTROOM PROCEDURES - ESTABLISHED

PURPOSE: The California State Legislature has amended Penal Code Section 171(b) to extend the prohibitions against carrying weapons within courtrooms under specified circumstances. In addition, the Los Angeles County Superior and Municipal Courts have adopted policies that add further restrictions to the carrying of weapons by officers within court facilities.

Penal Code Section 171(b) (2) (B) prohibits any peace officer from possessing any weapon(s) in any courtroom, civil or criminal, if he/she is a party to an action pending before that court. A peace officer appearing as a plaintiff, defendant, respondent, petitioner, or appellant is considered a party to an action. An arresting officer, investigating officer, witness or victim is not considered a party.

The Los Angeles County Superior and Municipal courts prohibit the carrying of weapons by any officer in a County court facility where the officer is appearing as a party to any action pending before the court or is present but not conducting official business. The officer shall be considered on official business as long as he/she is on duty and acting within the course and scope of his/her duties. If the officer is in the court facility and not conducting official business, or is a party to an action (on or off duty), the officer is required to secure all weapons prior to entry. This Order establishes procedures for carrying weapons within court facilities and securing weapons before appearing in court.

PROCEDURE:

- I. OFFICERS' RESPONSIBILITIES. When an officer appears in any California State, County or Municipal Court, not in Los Angeles County, as a party to any civil or criminal action, he/she shall secure his/her weapon(s) prior to entering the courtroom.

In Los Angeles County, when appearing as a party to an action or when present but not conducting official business in Superior or Municipal Court, the officer shall secure his/her weapon prior to entering the facility.

JANUARY 26, 1996

Note: A court facility shall be defined as, but not necessarily limited to, any designated court building, trailer, annex, lobby or administrative office of the Superior or Municipal Courts of the County of Los Angeles (includes all criminal, civil, traffic, juvenile, family law, reconciliation and small claims courts).

Weapons may be secured in geographic Area gun lockers, Jail Division gun lockers, officers' residences, Sheriff's gun lockers within court facilities (depending on availability and with the permission of the concerned Sheriff's Department personnel), or other appropriate locations.

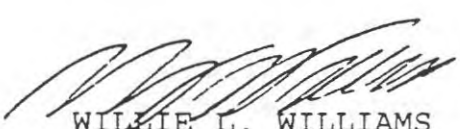
For the purposes of this Order, weapons shall include any firearm, TASER, chemical irritant spray (Oleoresin Capsicum spray), sap, and knife with a blade longer than four inches.

Officers who are conducting official business and who are not a party to any action pending before the court shall, upon entering any courtroom or court office, immediately identify themselves to the concerned bailiff or clerk, indicate they are carrying a weapon(s) and state the purpose for the visit.

A violation of Superior or Municipal Court policies may result in a charge of contempt by the concerned magistrate. A violation of Penal Code Section 171(b) may result in criminal prosecution of the concerned officer.

**AMENDMENTS:** This Order amends Section 3/783 of, and adds Section 3/782.50 to the Department Manual.

**AUDIT RESPONSIBILITY:** The Department Traffic Coordinator shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 3

FEBRUARY 2, 1996

SUBJECT: MISCELLANEOUS MANUAL AMENDMENTS

PURPOSE: This Order informs Department employees of certain additions and revisions to the Department Manual.

PROCEDURE:

- I. **FORCED BLOOD WITHDRAWALS FROM DRIVING-UNDER-THE-INFLUENCE ARRESTEES.** Current Department procedure provides for the forced withdrawal of blood samples from driving-under-the-influence arrestees who have been arrested for a felony offense and where the level of intoxication would be an essential element in the alleged violation.

Recent case law has changed the test to be applied in determining what constitutes unreasonable forced withdrawal of blood samples from driving-under-the-influence arrestees. In the past, unreasonable force regarding forcible blood withdrawal was defined as a use of force that "shocked the conscience." The new test is whether the force used is "objectively reasonable in light of all the circumstances." Specifically included are considerations of the severity of the offense, whether the arrestee requested an alternative test (at any time), the degree of resistance by the arrestee, and the need for the blood sample. The determination of whether the amount of force used on the arrestee to obtain a blood sample was reasonable or unreasonable under the law will therefore depend on all the specific circumstances of each individual case.

Officers are reminded that should a use-of-force incident occur during a forced blood withdrawal, they shall adhere to the Department use-of-force policy and guidelines, utilizing only that force which is reasonable and necessary.

**Note:** The use of a firm grip control only, or that force necessary to overcome passive resistance due to physical disability or intoxication, which does not result in injury, is not a reportable use-of-force incident.

This Order establishes procedures that shall be followed prior to forcibly obtaining a blood sample from any adult or juvenile arrestee in custody for a driving-under-the-influence offense.

- A. **FORCED BLOOD SAMPLE WITHDRAWAL - CRITERIA FOR REQUESTING.** A forced blood sample may be obtained from an arrestee only when all of the following conditions have been met:

- \* The arrestee is in custody for a felony traffic offense where the injury occurred to a person other than the arrestee; and
- \* Intoxication is an essential element of the alleged violation; and
- \* The arrestee refuses to voluntarily submit to any of the available chemical tests; and
- \* Prior approval from a traffic supervisor has been obtained; and
- \* A traffic or patrol supervisor is present at the medical facility (e.g., jail dispensary, contract hospital, etc.) to witness the withdrawal of blood from the suspect.

**Note:** The name and serial number of the approving supervisor and the supervisor present during the forced blood withdrawal, if different from the approving supervisor, shall be written in the arrest report.

**Exception:** An arrestee whose medical condition prohibits a blood sample from being taken shall not be forced to submit to a blood test.

- B. TRAFFIC DIVISION SUPERVISORS' RESPONSIBILITIES.** Upon being advised of a request for a forced blood withdrawal, the concerned traffic division supervisor shall determine if the criteria for forced blood withdrawal has been met. The approving supervisor, if **readily available**, should be the supervisor present during the blood withdrawal procedure.

The supervisor who is present at the scene of a forced blood withdrawal where the use of force becomes necessary, shall ensure that a use-of-force investigation is conducted by a non-involved supervisor.

The remaining criteria for blood tests outlined in Manual Section 4/343.40 are not affected by this Order.

**AMENDMENT:** This Order amends Section 4/343.40 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Department Traffic Coordinator shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

- II. DAILY FIELD ACTIVITIES REPORTS - REVISED.** This Order revises the Daily Field Activities Report, Form 15.52, and the Traffic Daily Field Activities Report, Form 15.52.1 to include Drug Recognition Expert evaluation information. It also updates the Patrol Daily Field

FEBRUARY 2, 1996

Activities Report, Field Notebook Divider, Form 18.31.0. This Order also activates the Daily Field Activities Report Continuation, Form 15.52.6, Traffic Daily Field Activities Report Continuation, Form 15.52.7 and deactivates the Traffic Officer's Daily Field Activities Report, Form 15.52.5.

**A. DAILY FIELD ACTIVITIES REPORT, FORM 15.52 AND TRAFFIC DAILY FIELD ACTIVITIES REPORT, FORM 15.52.1 - REVISED.**

- \* **Use of Form.** Forms 15.52 and 15.52.1 will continue to be used as delineated in Manual Sections 5/15.52 and 5/15.52.1. Both forms now include a Drug Recognition Expert (DRE) evaluation section to capture the number of evaluations that a DRE performs and the amount of time spent on each evaluation.
- \* **Drug Recognition Experts' Responsibility.** Drug Recognition Expert officers shall record the number of evaluations they perform, and the time spent on these evaluations in the space provided on Forms 15.52 or 15.52.1., whichever is appropriate.
- \* **Watch Commanders' Responsibility.** Watch Commanders shall ensure that all required information is recorded on Forms 15.52 or 15.52.1, whichever is appropriate..

**B. DAILY FIELD ACTIVITIES REPORT CONTINUATION, FORM 15.52.6 AND TRAFFIC DAILY FIELD ACTIVITIES REPORT CONTINUATION, FORM 15.52.7 - ACTIVATED.**

**Use of Form.** Forms 15.52.6 and 15.52.7 shall be used as continuations of Forms 15.52 and 15.52.1 respectively.

**C. TRAFFIC OFFICER'S DAILY FIELD ACTIVITIES REPORT, FORM 15.52.5 - DEACTIVATED.**

The Department discontinued civilian traffic officers (currently Department of Transportation Officers) in July of 1985, therefore Form 15.52.5 is deactivated.

**D. PATROL DAILY FIELD ACTIVITIES REPORT, FIELD NOTEBOOK DIVIDER (FND), FORM 18.31.0 - REVISED.**

**Use of Form.** The Field Notebook Divider (FND) has been revised to delete obsolete information from, and add new information to, the form. The FND will continue to be used as a ready reference when completing related forms.

FEBRUARY 2, 1996

**FORMS AVAILABILITY:** The Daily Field Activities Report, Form 15.52, Daily Field Activities Report Continuation, Form 15.52.6, Traffic Daily Field Activities Report, Form 15.52.1, and Traffic Daily Field Activities Report Continuation, Form 15.52.7 are available for ordering at Supply Division. Existing stock should be bundled and marked "Obsolete," then placed into the divisional recycling bins. The Patrol Daily Field Activities Report, Field Notebook Divider, Form 18.31.0 will be revised at the next routine printing of the form.

**AMENDMENTS:** This Order amends Section 5/15.52.1 of, adds Sections 5/15.52.6 and 5/15.52.7 to, and deletes Section 5/15.52.5 from, the Department Manual.

**AUDIT RESPONSIBILITY:** The Department Traffic Coordinator shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

- III. FIREARMS INSTRUCTOR CERTIFICATION TRAINING - IMPLEMENTED.** To ensure that firearms training is conducted safely and that training remains consistent with Department policy and procedures, Training Division and Metropolitan Division have developed firearms instructor certification training.

Effective immediately, all on-duty firearms training shall be conducted by Department-certified firearms instructors. The Commanding Officer, Training Division, shall be responsible for developing and administering the Department firearms instructor certification course for primary and back-up weapons, and the Department-issued shotgun. The Commanding Officer, Metropolitan Division, shall be responsible for developing and administering the Department firearms instructor certification course for specialized firearms, authorized for special duty assignments.

**AMENDMENTS:** This Order amends Sections 2/540.15 and 2/1034.03 of the Department Manual.

**AUDIT RESPONSIBILITIES:** All Office of Operations bureau commanding officers shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



**WILLIE L. WILLIAMS**  
Chief of Police

**DISTRIBUTION "A"**





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 4

MARCH 15, 1996

SUBJECT: MISCELLANEOUS MANUAL AMENDMENTS

PURPOSE: This Order advises Department employees of certain revisions to the Department Manual.

PROCEDURE:

- I. MONEY SEIZED PURSUANT TO A SEARCH WARRANT. This Order amends current procedures for booking money seized pursuant to a search warrant. Money seized pursuant to a search warrant may be deposited into the Department's Booked Money Account after 60 days of custody.

- A. Booking Employee's Responsibilities. When an employee takes money into custody that has been seized pursuant to a search warrant and the money has no specific evidentiary value (e.g., no possible fingerprint(s), no unique identifying characteristics, etc.), booking employees are no longer required to write the heading "Hold Money For Evidence" above the line listing the money on the Property Report, Form 10.01.

Officers shall follow existing procedures for booking money as delineated in Department Manual Sections 4/540.60 and 4/540.90. After 60 calendar days, Property Division will deposit the money into the Department's Booked Money Account.

Officers are also no longer required to complete the addendum to the Search Warrant Return titled "Request and Order for Deposit of Seized Funds into Checking Account."

Note: Money seized pursuant to a search warrant that has been deposited into the Department's Booked Money Account remains the property of the court that issued the warrant. Investigating officers are required to obtain magistrate approval (court order) for the final disposition of the money.

- B. Property Division - Responsibilities. The Commanding Officer, Property Division, shall deposit money seized pursuant to a search warrant, and which has no specific evidentiary value, into the Booked Money Account without prior magistrate approval.

AMENDMENTS: This Order amends Sections 4/540.66, 4/540.90, and 4/565.20 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Fiscal Support Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

- II. INVESTIGATOR'S CASE PROGRESS LOG, FORM 1.44 - REVISED. This Order revises the name of the Investigator's Case Progress Log, Form 1.44, to the Detective's Case Progress Log, Form 1.44. The form has also been increased in size from 8 1/2 x 8 1/2 to a full sheet of paper, 8 1/2 x 11.

MARCH 15, 1996

**A. Detective's Case Progress Log, Form 1.44 - Revised.**

**Use of Form.** The "Interviews" section has been revised to add home and business phone number boxes, and the "Dates Contacted" box has been deleted. A Case Category box has been added to the upper right corner of the form. Additional checkboxes for Police Bulletins, Property Disposition, 15.25 Sent, and Crime Analysis have been added. The size of the Form 1.44 has been revised to allow its use as either a full page (8 1/2 x 11) or a partial page (8 1/2 x 8 1/2).

**Completion - General.** The procedures for completion of this form have not been amended and are explained in Department Manual Section 5/1.44.

**FORM AVAILABILITY:** The Detective's Case Progress Log, Form 1.44 is currently stocked and available for ordering at Supply Division.

**AMENDMENT:** This Order amends Section 5/1.44 of the Department Manual.

**III. COURT ORDER FOR SEARCH WARRANT PROPERTY, FORM 10.18 - REVISED.** This Order revises the Court Order For Search Warrant Property, Form 10.18, to assist investigative personnel in expediting the release of property seized pursuant to a search warrant.

**A. Court Order for Search Warrant Property, Form 10.18 - Revised.**

**Case Disposition - Checkboxes** were added to the form to clarify case disposition as it applies to the necessity to retain or dispose of property.

**Property With No Evidentiary Value -** A checkbox was added to identify property that has been examined and determined to have no further evidentiary value; if checked, the property may be released to the lawful owner(s)/agent(s), without further delay.

**Motor Vehicle Part(s) -** A section was added to list motor vehicle part(s) that have no further evidentiary value. When appropriate, property shall be released to the lawful owner(s)/agent(s), without further delay.

**Note:** Investigative personnel shall continue to follow current procedures for deleting motor vehicle part(s) information from the Stolen Vehicle System. The procedures for the use and completion of the Form 10.18 remain the same.

**B. Distribution.**

- 1 - Original, Records and Identification Division.
- 1 - Copy, Property Disposition Coordinator.
- 1 - Copy, investigator's case file.

**3 - TOTAL**

MARCH 15, 1996

**FORM AVAILABILITY:** The attached Court Order for Search Warrant Property, Form 10.18, is provided for duplication until the form is available at Supply Division. A notice will be published advising when the form is ready for ordering at Supply Division.

**AMENDMENT:** This Order amends Section 5/10.18 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Operations Headquarters Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

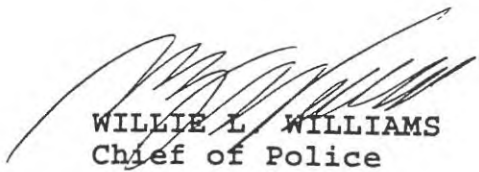
- IV. **NOTIFICATION REQUIRED WHEN EMPLOYEES ARE UNABLE TO APPEAR IN RESPONSE TO A DEFENSE SUBPOENA.** This Order establishes procedures for required notifications by subpoena control officers when Department employees are unable to appear in court in response to subpoenas issued at the request of criminal defense attorneys.

When unable to arrange for the service of a defense subpoena upon an employee prior to the specified appearance date, or when notified that a defense-subpoenaed employee is unable to appear on the specified appearance date, the subpoena control officer shall:

- \* Immediately notify the concerned prosecuting and defense attorneys; and
- \* Notify the clerk of the concerned court on the date of the scheduled appearance.

**AMENDMENT:** This Order amends Section 3/210.45 of the Department Manual.

**AUDIT RESPONSIBILITIES:** Each operations bureau commanding officer shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



**WILLIE L. WILLIAMS**  
Chief of Police

**DISTRIBUTION "A"**



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 5

APRIL 5, 1996

**SUBJECT:** CITATION CORRECTION REQUEST

**PURPOSE:** The Los Angeles Municipal Court receives an average of 700 citations per week for correction. However, most of these corrections are not entered into the Los Angeles County Expanded Traffic Record System (ETRS). To reduce excessive work associated with Personal Service Citation corrections, this Order revises the procedures for the completion of the Citation Correction Request, Form 4.7.

**PROCEDURE:** The Los Angeles Municipal Court has requested that only errors related to information entered into the ETRS be corrected on a Citation Correction Request, Form 4.7. The following information is entered into the ETRS:

- \* Date of Violation;
- \* Name, Address, City, State, Zip Code;
- \* Driver License Information;
- \* Date of Birth;
- \* Violator's Physical Descriptors;
- \* Vehicle Code Sections;
- \* Vehicle Speed Limit;
- \* Citing Officer's Division of Assignment and Detail;
- \* Court Due Date; and
- \* Court Location.

**CITATION CORRECTION REQUEST, FORM 4.7 - REVISED.**

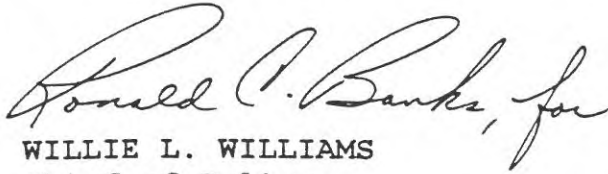
- A. **Use of Form.** This form shall be used to correct errors or omissions on a traffic citation.
- B. **Completion.** The use of the Citation Correction Request, Form 4.7, shall be limited to those errors which are entered into the ETRS. The form shall continue to be completed as outlined in Department Manual Section 3/202.40. Corrections to fields not entered into ETRS should be made on the goldenrod copy of the Notice to Appear Citation Booklet.

**FORM AVAILABILITY:** The revised Citation Correction Request, Form 4.7, will be available for ordering from Supply Division at the next routine printing.

**AMENDMENTS:** This Order amends Sections 3/202.40 and 5/4.7 of the Department Manual.

APRIL 5, 1996

AUDIT RESPONSIBILITY: The Commanding Officer, Traffic Coordination Section shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

A handwritten signature in cursive script, appearing to read "Willie L. Williams", is written over the printed name.

WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 6

APRIL 19, 1996

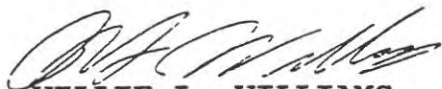
SUBJECT: SEXUAL ORIENTATION DISCRIMINATION POLICY - ESTABLISHED

PURPOSE: This Order establishes the Los Angeles Police Department policy statement on Sexual Orientation Discrimination.

POLICY: It is the policy of the Los Angeles Police Department that discrimination in the workplace on the basis of an individual's sexual orientation is unacceptable and will not be tolerated. Department personnel shall not consider an applicant's or employee's known or presumed sexual orientation in any pre-employment or employment action or decision, including but not limited to background checking, testing, hiring, assigning, training, transferring, upgrading, promoting, compensating, evaluating, disciplining, and discharging.

It is the responsibility of all commanding officers and/or supervisors to take the necessary steps, including training and appropriate disciplinary action, to ensure a working environment free from sexual orientation discrimination. The Department shall prohibit, as a form of discrimination, the creation of or contribution to a hostile, intimidating, threatening, offensive, or abusive work environment on the basis of an individual's known or presumed sexual orientation. This includes written, spoken, graphic or demonstrative derogatory terms, slurs, comments, gestures, ridicule, threats, rumors, or jokes with respect to an individual's known or presumed sexual orientation. The Department is committed to eliminating discriminatory conduct in the workplace and will not tolerate or condone any form of sexual orientation discrimination by any Department employee.

AMENDMENT: This Order adds Section 1/285 to the Department Manual.



WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 7

MAY 3, 1996

**SUBJECT: PROCEDURES FOR REFERRALS TO BEHAVIORAL SCIENCE SERVICES SECTION**

**PURPOSE:** Behavioral Science Services Section (BSSS) serves the needs of Department employees, both sworn and non-sworn, who voluntarily seek professional confidential psychological therapy and crisis intervention.

Behavioral Science Services Section is also responsible for assisting commanding officers or supervisors with the psychological evaluation of employees through recommended or directed referrals. Employee compliance with a recommended referral is voluntary and confidential. However, employee compliance with a directed referral is mandatory and information may be provided to the concerned commanding officer or supervisor by the BSSS psychologist. This Order establishes procedures for commanding officers and supervisors when referring employees to BSSS.

**PROCEDURE:** When an employee's commanding officer or supervisor becomes aware that an employee is exhibiting behavior that may be interpreted as interfering with the individual's job performance and/or may pose a threat to the safety or well-being of the employee or others, the commanding officer or supervisor should contact BSSS for advice.

**Note:** During off-hours, the concerned commanding officer or supervisor should contact the on-call BSSS psychologist via Detective Headquarters Division.

The commanding officer or supervisor shall explain in detail the facts regarding the employee's behavior which have led to the belief that the employee may require the assistance of BSSS. Behavioral Science Services Section will evaluate the request and advise the commanding officer or supervisor whether or not a directed or recommended referral to BSSS is appropriate. Documentation is not required however, if initiated, it should only indicate that the employee was referred or ordered to BSSS.

- I. **DIRECTED REFERRAL.** When a supervisor contacts BSSS for advice and a directed referral is recommended, the concerned supervisor shall contact the employee's

MAY 3, 1996

commanding officer **prior** to meeting with the employee. The commanding officer shall designate who will meet with the employee.

When meeting with the employee, the commanding officer or supervisor shall discuss the rationale for the directed referral. The commanding officer or supervisor **shall** inform the employee that the directed referral is not disciplinary or punitive in nature, but is designed to assist the employee in resolving the relevant issues.

The commanding officer or supervisor shall schedule the appointment(s) with BSSS and notify the employee of the date and time of the appointment(s). Following the session(s), BSSS will contact the commanding officer or supervisor in order to verify the employee's attendance and to provide appropriate information.

**Note:** An employee's attendance at a BSSS session resulting from a directed referral is mandatory and shall be conducted on an on-duty basis.

- II. **RECOMMENDED REFERRAL.** When a supervisor contacts BSSS for advice and a recommended referral is deemed to be appropriate, the concerned supervisor shall contact the employee's commanding officer **prior** to meeting with the employee. The commanding officer shall designate who will meet with the employee.

When meeting with the employee, the commanding officer or supervisor shall discuss the rationale for the recommended referral. The commanding officer or supervisor **shall** inform the employee that the recommended referral is not disciplinary or punitive in nature and that the employee's attendance is voluntary.

An employee's attendance at BSSS session(s) resulting from a recommended referral may be conducted on-duty or off-duty at the employee's discretion. If the employee elects to attend the session(s) while on-duty, the employee shall notify the referring commanding officer or supervisor. Upon notification, the commanding officer or supervisor shall schedule the appointment(s) with BSSS, advise BSSS that the appointment(s) result from a

MAY 3, 1996

recommended referral, and notify the employee of the date and time of the appointment(s).

Should the employee elect to attend the recommended sessions on an off-duty basis, no notification to the concerned commanding officer or supervisor is required.

Whether recommended referral sessions are conducted on-duty or off-duty, no information from BSSS will be provided to the referring commanding officer or supervisor.

**Note:** This Order does not affect BSSS sessions which are initiated by any Department employee without the direction of a recommended or directed referral. These sessions remain confidential and are generally conducted on an off-duty basis. If the concerned employee wishes to attend such sessions in an on-duty capacity, the employee shall notify the concerned commanding officer or supervisor. On-duty attendance shall be at the discretion of the concerned commanding officer or supervisor.

**AMENDMENTS:** This Order amends Sections 1/210.55 and 2/320.08 of, and adds Sections 3/799, 3/799.10 and 3/799.20, to the Department Manual.

**AUDIT RESPONSIBILITY:** The Director, Organizational Development Group, shall monitor compliance with the directive in accordance with Department Manual Section 0/080.30.



WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8

MAY 8, 1996

**SUBJECT:** FUGITIVE BOOKINGS - REVISED.

**PURPOSE:** This Order revises procedures for obtaining booking advice and approval on fugitive arrestees.

**PROCEDURE:**

**FUGITIVE WANTS.** When a person is arrested on a local charge, and is also wanted by an **out-of-state jurisdiction**, the Area watch commander shall give booking approval on the local charge. Upon booking approval, Fugitive Warrant Section shall be telephoned without delay, or when closed, Detective Headquarters Division for booking advice on the fugitive charge.

**OFFICER'S RESPONSIBILITIES:** Booking advice and approval for **out-of-state** fugitive arrests shall be obtained from a supervisor in the Fugitive Warrant Section, Detective Support Division, or when closed, Detective Headquarters Division. The officer shall provide the following information:


- \* Name of the fugitive;
- \* Jurisdiction requesting the fugitive and the charge against the fugitive;

Officers shall include a copy of the National Crime Information Center (NCIC) computer printout of the wanted person as a page of the arrest report.

**Note:** Officers shall not contact the **out-of-state jurisdiction** for warrant information prior to contacting Fugitive Warrant Section, or Detective Headquarters Division.

**AMENDMENTS:** This Order amends Sections 4/216.10 and 4/216.70 of the Department Manual.

**AUDIT RESPONSIBILITIES:** The Commanding Officer of Operations Headquarters Bureau shall monitor compliance with this directive in accordance with Department Manual Section 0/80.30.



WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 9

JUNE 7, 1996

**SUBJECT: DISCIPLINARY SYSTEM CHANGES**

**PURPOSE:** This Order revises the disciplinary system and certain related forms due to the passage of Charter Amendment 2. This Order also informs Department employees of certain additions and revisions to the Department Manual.

**PROCEDURE:**

- I. REVISED DISCIPLINARY PROCEDURES.** Charter Amendment 2, effective June 28, 1995, specified certain changes to City Charter Section 202 and repealed Section 202.1, thereby amending specific disciplinary procedures involving tenured police officers.
  - A. Board of Rights Manual - Revised.** The Board of Rights Manual has been revised. The revised Board of Rights Manual (10th Edition, September 1995) contains the amendments.
  - B. Temporary Relief From Duty or Restoration.** Any officer ordered to, or requesting a hearing before, a Board of Rights may be temporarily relieved from duty by the Chief of Police prior to a decision by the board. The Chief of Police also has the authority to cancel such relief from duty, or, following such relief from duty, restore the officer to duty with or without restrictions pending the hearing.
  - C. Revised Timekeeping Procedures for Officers Temporarily Relieved From Duty.** Officers who are temporarily relieved from duty pending a Board of Rights hearing shall not incur a loss of pay for 30 calendar days after being served with the charges. Officers temporarily relieved from duty shall be shown as "RP" (relieved from duty **with** pay) on any scheduled workday during the 30 calendar days following service of the Complaint and Relief from Duty, Suspension or Demotion, Form 1.61. Thereafter, the officer shall be carried "TR" (relieved from duty **without** pay). However, a suspension or removal may be imposed prior to the end of the 30-day period if a final decision

JUNE 7, 1996

has been made by the Chief of Police. Officers who are relieved from duty **with** pay shall be scheduled for a day off in lieu of a holiday(s) pursuant to the annual Deployment Schedule.

- D. **Substitute Service.** Criteria have been established which allow for service by mail when a copy of any notice, order or process cannot with reasonable diligence be personally served. If a commanding officer is not able to personally serve an officer due to extenuating circumstances, advice on how to proceed shall be obtained from the Advocate Section, Internal Affairs Division.
- E. **Expanded Penalty When An Officer Fails to Appear.** Demotion in rank, and suspension and demotion in rank have been added to the penalties the Chief of Police may impose if an officer fails to appear at a Board of Rights hearing.
- F. **Time Period for Convening a Board of Rights.** The period of time in which a Board of Rights must convene has been changed from a period of "5 to 10 days," to a period of "10 to 30 days."
- G. **Officers May Be Disqualified as Members of a Board.** The Chief of Police may declare specific officers of the rank of captain or above as disqualified for a Board of Rights. The reasons for such disqualifications are sick/IOD (including restricted duty not compatible with participating in a Board hearing), vacation, previously approved absence from command, member of a Board of Rights hearing scheduled for the same date(s) or conflict with a primary duty assignment which has significant importance to Department operations.
- H. **Individual Board Members May Demand Subpoenas.** Any Board member, may demand that the City Clerk issue subpoenas to compel the attendance of witnesses and/or the production of evidence.

**Suspension and/or Demotion Appealed to a Board is Stayed.** A suspension and/or demotion appealed to a

JUNE 7, 1996

Board of Rights is automatically stayed pending the hearing and decision by the Board.

**J. Effective Date of Demotion and Suspension.** The effective date of a suspension and/or demotion shall be as follows:

- \* **Suspension Not Appealed.** A suspension that has not been appealed to a Board of Rights shall be effective the day following the period during which the suspension could have been appealed to a Board of Rights, or as soon as practicable after that period, in consideration of deployment needs.
- \* **Suspension Recommended by a Board.** When a suspension is recommended by a Board of Rights and is upheld by the Chief of Police, it shall be imposed as soon as practicable, in consideration of deployment needs. Such suspension shall include those days an officer was relieved from duty **without** pay (TR).
- \* **Demotion Not Appealed.** A demotion that has not been appealed to a Board of Rights shall be effective the day following the period during which the demotion could have been appealed to a Board of Rights.
- \* **Demotion Recommended by a Board.** When a demotion is recommended by a Board of Rights and is upheld by the Chief of Police, it shall be effective upon the filing of the Decision of the Board and Execution of the Order with the Police Commission.

**Note:** A suspension day shall consist of 8 hours. A suspension period shall not be split (i.e., a portion before or after a period of work), without the approval of the Commanding Officer, Internal Affairs Division.

**II. DEPARTMENT FORM REVISIONS RESULTING FROM CHANGES IN THE DEPARTMENT DISCIPLINARY SYSTEM.** Revisions to the Department disciplinary system for sworn tenured employees have necessitated the revision of the following Department

forms:

- \* The "Complaint and Relief From Duty, Suspension or Demotion," Form 1.61, has been revised to allow the cancellation of a temporary relief from duty pending a hearing and to provide notice that any officer relieved from duty shall not incur a loss of compensation for the full 30 calendar days after the date on which the officer was served with the charge(s). The Certificate of Service portion of Form 1.61 has been revised to include provision for service by mail. Additionally, references to Charter Section 202.1 have been removed from that form.
- \* Charter of the City of Los Angeles, Section 202, Form 1.61.2, has been revised to include the amended version of Section 202 and to delete Section 202.1.
- \* The "Selection and Appointment of Board of Rights and Designation of Time and Place for Hearing," Form 1.65, has been revised to remove references to Charter Section 202.1. Additionally, the Certificate of Service section has been revised to delete reference to registered mail.
- \* The "Assignment of Defense Representative," Form 1.69, has been revised to retitile the Employee Representation Section, Personnel and Training Bureau, to Officer Representation Section, Personnel Group. Additionally, the Certificate of Service section has been revised to delete reference to certified mail.
- \* The "Decision of the Board of Rights and Execution of the Order," Form 1.73, has been revised to remove references to Charter Section 202.1. Additionally, the Certificate of Service section has been revised to delete reference to registered mail.
- \* The Time Book, Form 15.30, and the Official Divisional Time Book, Form 15.30.1, will be revised at the next routine printing to reflect the Variation Codes of "RP" (relieved of duty with pay) and "TR" (relieved of duty without pay).




JUNE 7, 1996

**FORMS AVAILABILITY:** Forms 1.61, 1.61.2, 1.65, 1.69, 1.70 and 1.73 are for Internal Affairs Division use only. The revised forms will be available for ordering from Supply Division in 60-90 days. Internal Affairs Division has been provided a copy of each revised form for duplication. All existing stock of the obsolete forms should be discarded into divisional recycling bins. Forms 15.30 and 15.30.1 will be revised at their next routine printing.

**AMENDMENTS:** This Order amends Sections 3/702.30, 3/705.40, 3/845.10, 3/860.10 and 5/1.61 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer of Internal Affairs Group shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIE L. WILLIAMS  
Chief of Police

Attachments

DISTRIBUTION "A"

LOS ANGELES POLICE DEPARTMENT  
OFFICE OF THE CHIEF

B.F. No. \_\_\_\_\_  
I.A. No. \_\_\_\_\_

IN THE MATTER OF \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )

**COMPLAINT AND RELIEF FROM DUTY,  
SUSPENSION OR DEMOTION**

I, \_\_\_\_\_, complain against you, a member of the Los Angeles Police Department, and under the power conferred upon me by Section 202, Article XIX, Charter of The City of Los Angeles, I hereby

- ☐ Temporarily relieve you from your position as \_\_\_\_\_, Code no. \_\_\_\_\_ effective \_\_\_\_\_. This temporary relief from duty is made pending a hearing before and decision by a Board of Rights on the charge(s) set forth below. You shall not suffer a loss of compensation for thirty calendar days after the date on which you were served with the charge(s), except as provided for in subsection (15) and (16) of Charter Section 202.
- ☐ Do not relieve you from duty. This action is made pending a hearing before and decision by a Board of Rights on the charge(s) set forth below.
- ☐ Suspend you from your position as \_\_\_\_\_, Code no. \_\_\_\_\_ for a period of \_\_\_\_\_ working days with total loss of pay.
- ☐ Demote you from your position as \_\_\_\_\_, Code no. \_\_\_\_\_, to the position of \_\_\_\_\_, Code no. \_\_\_\_\_, effective \_\_\_\_\_.

This suspension, demotion, or suspension and demotion is made to promote the efficiency of the Los Angeles Police Department for the charge(s) set forth below:

I certify, under penalty of perjury, that the foregoing, to the best of my information, is true and correct.

Executed at \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
Chief of Police

SECTION 202, ARTICLE XIX, CHARTER OF THE CITY OF LOS ANGELES PROVIDES FOR A HEARING ON THESE CHARGES AND/OR APPEAL FROM THIS ACTION. SEE THE ATTACHED FORM 1.61.2 FOR SUCH PROVISIONS.

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the above statement upon \_\_\_\_\_ at \_\_\_\_\_ hours, on \_\_\_\_\_, 19\_\_\_\_.

- ☐ By handing the Officer a copy thereof personally at \_\_\_\_\_.
- ☐ By forwarding a copy thereof by mail addressed to the Officer at his/her last known address at \_\_\_\_\_ in accordance with the policy established for service by mail of a Complaint and Relief From Duty, Suspension or Demotion, Form 1.61.0.
- ☐ By leaving a copy at \_\_\_\_\_, the last known address.

NOTE: A copy of the Form 1.61.2 shall be attached to the original Complaint and Relief from Duty, Suspension or Demotion, Form 1.61, the accused officer's copy of Form 1.61, and any such copy forwarded to Personnel Division.

# CHARTER OF THE CITY OF LOS ANGELES

## SECTION 202

### Sec. 202

(1) The rights of a tenured officer of the Police Department, except the Chief of Police, to hold his or her office or position and to the compensation attached to such office or position is hereby declared to be a substantial property right of which he or she shall not be deprived arbitrarily or summarily, nor otherwise than as herein in this section provided. No tenured officer of the Department shall be suspended, demoted in rank, suspended and demoted in rank, removed, or otherwise separated from the service of the Department (other than by resignation), except for good and sufficient cause shown upon a finding of "guilty" of the specific charge or charges assigned as cause or causes therefor after a full, fair, and impartial hearing before a Board of Rights, except as otherwise specifically provided in subsections (3) and (8). No case of suspension with loss of pay shall be for a period exceeding six months.

(2) The provisions of this section shall not apply to any member of the Department (police officer) who has not completed the period of probation in his or her entry level position, as elsewhere provided in this Charter (non-tenured officer). Non-tenured police officers, where otherwise entitled by law to a hearing or appeal with regard to proposed or imposed discipline, shall be provided such a hearing or appeal under procedures promulgated by the Chief of Police.

(3) After following predisciplinary procedures otherwise required by law, the Chief of Police may:

(a) Temporarily relieve from duty any officer of the Department pending a hearing before and decision by a Board of Rights of any charge or charges pending against such officer, except that an officer so relieved shall not suffer a loss of compensation until thirty days after the date on which the officer was served with the charge or charges, except as provided for in subsections (15) and (16). The Chief of Police in his or her sole discretion shall have the power to cancel such temporary relief from duty, or, following such relief from duty, to restore the officer to duty with or without restrictions pending such hearing; or the Chief may:

(b) Suspend such officer for a total period not to exceed thirty days with loss of pay and with or without reprimand, subject, however, to the right of such officer to a hearing before a Board of Rights. In the event the officer suspended under this paragraph files his or her application with the Chief of Police (within five days after service upon him or her of notice of such suspension if he or she has been personally served or within ten days after service in any other manner as herein prescribed), for a hearing before and decision by a Board of Rights in the manner in this section provided, such suspension shall thereupon automatically be stayed pending hearing and decision by the Board. In the event, however, that such officer so suspended fails so to apply for such hearing within the period prescribed, the officer shall be deemed to have waived such hearing, and such suspension shall remain effective, unless the Chief of Police required that a hearing be had, as hereinafter provided; or the Chief may:

(c) Demote in rank, with or without suspension or reprimand or both, any tenured officer, subject to the right of such officer to an appeal to a Board of Rights as provided in this section.

(4) No tenured officer of the Department shall be discharged, suspended, demoted in rank, or suspended and demoted in rank for any conduct that (a) was discovered by the Department and brought to the attention of the Chief of Police more than one year prior to the filing of the complaint against the officer under subsection (5) or (b) falls outside of the applicable limitations period below. Such limitations period shall have reference to the date on which the Chief files a complaint against an officer under subsection (5). For the purpose of ascertaining such period only, conduct, wherever it occurred in fact, shall be deemed to have occurred within the City. For an administrative charge based substantially or entirely on conduct which may be punishable criminally, the limitations period shall be based upon the most comparable, applicable penal law—federal, state, county, or City:

(a) If violation of such law is punishable as a felony, the limitations period shall be that established for such crime. Where no limitations period is established for such felony, there shall be no limitations period for administrative purposes. Conduct treated either as a felony or misdemeanor under the applicable penal law shall be regarded as felonious.

(b) For an administrative charge based substantially or entirely on conduct punishable as a misdemeanor, the limitations period shall be three years from occurrence.

(c) For all other misconduct the limitations period shall be two years from occurrence.

(5) In the event any order of relief from duty, suspension, demotion in rank, or suspension and demotion in rank is made under subsection (3), such order shall contain a statement of the charges assigned as causes therefor, and the Chief of Police shall within five days after such order is served, as in this section prescribed, file with the Board of Police Commissioners a copy of a verified written complaint upon which such order is based, with a statement that a copy of such order and verified complaint

was served upon the accused. Such complaint shall be verified by the oath of the Chief and shall contain a statement in clear and concise language of all the facts constituting the charge or charges made.

(6) The service of any notice, order, or process mentioned in this section, other than service of subpoena, may be made by handing the officer a copy thereof personally. If a copy of any notice, order or process cannot with reasonable diligence be personally served, substitute service may be made in accordance with policies adopted by the Department.

(7) Within five days after service upon him or her of a copy of the complaint, as described in subsection (5) if the officer has been personally served or within ten days after service in any other manner provided for herein, the officer may file with the Chief of Police his or her written application for a hearing before and decision by a Board of Rights.

(8) In any case where a Board of Rights has been constituted for the purpose of hearing as herein in this section provided and the accused, without reasonable excuse, fails, neglects, or refuses to appear before such Board in session for such hearing at the time and place designated, the Chief of Police may, at his or her discretion, either direct the Board to proceed with such hearing in the absence of the accused, or the Chief may, without such hearing, impose such penalty of suspension, demotion in rank, suspension and demotion in rank, or removal as he or she deems fit and proper, and cause notice thereof to be served upon such officer in the manner herein prescribed, and file a statement of such action with the Board of Police Commissioners within five days thereafter; and provided further, however, that in the event the accused and Chief both fail to draw and create such Board of Rights within the period prescribed in any case of temporary relief from duty pending hearing, such temporary relief from duty pending hearing, such temporary relief from duty shall be null and void and of no effect the same as if it had not been made.

(9) Upon the selection of a Board of Rights, the Chief of Police shall appoint the time for (not less than ten nor more than thirty days thereafter) and designate a place where such hearing is to be held, and shall cause notice thereof to be served upon the accused in the manner herein prescribed. After it has first convened, the Board may at any stage of the proceedings continue the matter to a specific date, and no other notice need be given, except as may be required by order of the Board.

(10) Boards of Rights shall be composed of two officers of the rank of captain or above and an individual who is not a member of the Department (the civilian member). The members selected as prescribed in this section shall constitute the Board for the purpose of hearing and deciding upon the matter for which it was specially drawn. The qualifications of, selection procedures for, and compensation of such civilian members shall be established by ordinance. Upon the filing of the request for a hearing before a Board of Rights, as provided in subsection (7), the accused officer shall draw four cards from a box containing the names on cards of all officers who are qualified to be members of such Board (excepting the names of the accused, accuser, the Chief of Police, any Assistant Chief of Police, and such other officer as may be otherwise prejudiced or otherwise disqualified by reason of being a material witness to the facts constituting the charges made or otherwise disqualified for cause as determined by the Chief), and shall select any two of the four names drawn to be members of the Board of Rights, rejecting the two names not selected by replacing them in the box. In the event the accused fails, in any case, to request a hearing before a Board of Rights as provided in subsection (7) within the period there prescribed, the Chief may require a hearing to be had before such a Board and may for that purpose within five days after the expiration of such period draw two names from such box to sit on such Board.

(11) Each Board member shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such Board, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence by subpoena. Upon demand of any such member, the City Clerk shall issue a subpoena in the name of the City and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or the production of things sought to be subpoenaed before the Board, at the time and place in such subpoena specified; and it shall be the duty of the Chief of Police to cause all such subpoenas to be served by some member of the Police Department upon the person or persons required to attend by the subpoena. It shall be the duty of the Council to provide suitable penalties for disobedience of such subpoenas and the refusal of witnesses to testify or produce things as herein provided.

(12) Upon the request of any two Board members, the Board's Chairperson shall request an attorney from the City Attorney's Office to advise the Board on legal matters during any session of the hearing. Such attorney need not be physically present at such hearing, but may advise the Board telephonically or through other means of communication. Such attorney may not advise the Department's advocate in the same matter.

(13) (a) In Board of Rights proceedings the Department shall have the burden of proving each charge, including those based on conduct punishable in whole or in part as a crime, by preponderance of the evi-



dence.

(b) At such hearing the accused shall have the right to appear in person and by counsel or representative, or both, and make defense to each such charge and may produce witnesses to testify in his or her behalf and cross-examine adverse witnesses. The accused shall have the right and privilege to select and name any officer of the Department of any rank not higher than the rank of Lieutenant (who is not otherwise disqualified by reason of prejudice or being a party to the action in any capacity) to act as his or her defense representative at such hearing. The Chief of Police must immediately assign the officer so selected and named to act as such representative, and it is hereby made the duty of such officer to use every legal means available and exercise the best efforts of which he or she is capable to defend the accused at such hearing.

(c) All testimony at such hearing shall be given under oath and shall be reported by a stenographer for possible transcription. The accused shall be entitled to a certified copy of such transcript without charge or payment of fee. When such report is transcribed, the original transcript shall be placed on file in the Department.

(d) Evidence of prior acts, irrespective of whether they were associated with a personnel complaint against the accused and irrespective of the resolution of such complaint, may be considered in the discretion of a Board of Rights if relevant to the charges, such as, if tending to prove that the conduct charged is consistent with a pattern of conduct.

(e) A Board of Rights shall at the conclusion of the hearing make specific findings of "guilty" or "not guilty" on each specific charge, which findings shall be based only upon the evidence adduced before it at such hearing and render and certify its decision in writing. If the accused is found "not guilty," said Board shall order the officer's restoration to duty without loss of pay and without prejudice, and such order shall be self-executing and immediately effective. In case, however, that the accused is found "guilty," the Board of Rights shall prescribe its penalty by written order of either suspension for a definite period not exceeding six months with total loss of pay, and with or without reprimand; or demotion in rank, with or without suspension or reprimand or both; or reprimand without further penalty; or of removal, which decision and order must be certified in writing and a copy thereof immediately delivered to the Chief of Police.

(f) For purposes of this section, demotion in rank shall mean reduction in civil service classification. The provisions of this section shall not apply to reductions in paygrade or similar personnel actions caused by reassignment, deselection from bonus positions, and the like. Such reductions shall be administered under policies adopted by the Department.

(g) The departmental personal history and records of the accused shall not be available to the Board of Rights, except where the accused has been found guilty of any charge upon which the officer was heard or tried by the Board and then only for the purpose of determining a proper penalty. At the penalty stage, the Board may consider the entire departmental personnel history and record of the accused, which shall include, among other things, information concerning personnel complaints against the accused that were sustained and information derived from complaints against the accused that were not resolved, to the extent and in the manner allowed by Department policy; provided, however, that the medical package of the accused shall not be considered by the Board with regard to penalty unless such information is relevant to a charge as to which there was a finding of guilty. In prescribing such penalty the Board shall look to the nature and gravity of the offense of which the officer has been found guilty and may at its discretion review the departmental personal history and record of the officer; provided further, however, that no item or entry in such record may be considered by the Board except in the presence of the officer and only where the officer has been given a fair and reasonable opportunity to explain any such item or entry.

(14) Upon delivery of a certified copy of a decision and order of a Board of Rights to the Chief of Police, he or she shall within five days after such delivery either execute such order or the Chief may at his or her discretion and in lieu of such order, impose a penalty upon such officer less in severity than that ordered by the Board, but may not impose a greater penalty. In the case of a demotion, suspension, demotion and suspension, or removal, the Chief of Police shall cause a copy of his notice of suspension or removal, the Chief shall cause a copy of any notice of such penalty (based upon the order of the Board or upon his or her modification thereof) to be served upon such officer and shall file a statement of such action with the Board of Police Commissioners within five days thereafter.

(15) A removal prescribed by the Board of Rights or by the Chief of Police if no hearing is had before a Board of Rights, shall relate back to and be effective as of the date of such relief from duty pending hearing before and decision by the Board; provided, however, in case of removal where a final decision has been made by the Chief of Police prior to the end of the thirty-day period referred to in subsection (3)(a), such removal shall be effective immediately.

(16) The effective date of any suspension or demotion prescribed by the Board of Rights, or by the Chief if no hearing is had before a Board of Rights, shall be determined by policies adopted by the Department, with

practices in effect on the effective date of the most recent amendment to this section remaining in effect on the effective date of the most recent amendment to this section remaining in effect until such adoption; provided, however, that in case of suspension where there has been a temporary relief from duty, the thirty-day period referred to in subsection (3)(a) or any portion thereof in which the officer received compensation shall not be counted as part of the suspension. Nothing in this section shall preclude the imposition of a suspension without pay when a final decision is made prior to the end of the thirty-day period.

(17) Except as otherwise provided in this section, all time periods, including those of limitation, shall be calculated in calendar days. When the last day of any such period falls on a weekend or City holiday, such period shall extend to the next business day.

(18) No officer of the Police Department shall be twice tried for the same offense, except upon the request of the officer. In any case of exoneration of the accused after a hearing before a Board of Rights, such exoneration shall be without prejudice to such officer.

(19) At any time within three years after any case of removal as hereinabove provided, the officer so removed may file a request with the Chief of Police to be reheard or to be heard on the cause of the officer's removal, together with a supporting affidavit specifically setting forth in clear and concise language the reasons or grounds therefore. The Chief of Police must consider and decide upon such request and affidavit within thirty days after such filing. If good reason or cause appears therefor, the Chief shall, without unnecessary delay, cause a Board of Rights to be constituted in the manner hereinabove provided for the purpose of hearing and deciding upon the matter. Such Board shall proceed as in this section prescribed and shall at the conclusion of the hearing render and certify its findings (independent of any previous findings by any other Board of Rights, or any other court, board, or other tribunal, or any investigation or report of or discretion exercised by the Chief in such cases where no hearing was had before a Board of Rights) based only upon the evidence adduced before it at such hearing. Such Board shall make and certify its decision and order in writing and deliver a copy thereof to the Chief. The Chief shall thereupon proceed in the same manner as is hereinabove provided for after decision by a Board.

(20) If the Board of Police Commissioners should be abolished, wherever in this section such Board is referred to there shall be read in place thereof the name of the officer, board or other body created in the Board's place to assume its functions, powers and duties; or, in the absence of such assumption, there shall be read in place thereof the name of the officer, board, or body that may lawfully assume such powers or duties, which officer, board, or body shall do so.

(21) This section shall not be construed to affect in any way any other rights an officer may have to pursue or assert any and all other legal rights or remedies in relation to his or her office or position or to the compensations attached thereto, or to appeal to or be heard or tried by or before any court or other tribunal of competent jurisdiction, whether such court or other tribunal now exists or may be hereafter created or established.

(22) An officer restored to duty after removal or temporary relief from duty, or whose suspension or demotion has been overturned in whole or in part, shall be entitled to receive full compensation from the City as if such nullified penal action had not been taken; provided, however, that such compensation unless otherwise required by law shall not exceed six months' salary.

(23) This section as most recently amended shall not apply to the discipline of any officer who was relieved from duty or who appealed a demotion or suspension or both to a Board of Rights prior to the effective date of such amendment. Such matters shall be adjudicated in accordance with applicable prior Charter provisions.

(24) Should any provision of this section be determined by the courts to be unlawful in whole or in part, such determination shall not affect the validity of the remaining provisions.

(Amended 1995.)

LOS ANGELES POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE

B.F. No. \_\_\_\_\_  
I.A. No. \_\_\_\_\_

IN THE MATTER OF \_\_\_\_\_ )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )

**SELECTION AND APPOINTMENT OF BOARD OF RIGHTS  
AND DESIGNATION OF TIME AND PLACE FOR HEARING**

I hereby certify that I have this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ drawn four names from those Department members eligible to sit upon a Board of Rights, from which I have selected those numbered one and two, and that I have received three names of potential civilian board members from the Police Commission, from which I have selected the one lettered (A), to hear my defense against the charges which have been alleged against me.

**DEPARTMENT MEMBERS**

1. \_\_\_\_\_ 3. \_\_\_\_\_  
2. \_\_\_\_\_ 4. \_\_\_\_\_

**CIVILIAN MEMBERS**

A. \_\_\_\_\_ C. \_\_\_\_\_  
B. \_\_\_\_\_

\_\_\_\_\_  
Accused

I hereby certify that, on the above date, four names were drawn by \_\_\_\_\_ from a box containing the names of Department members qualified to sit upon the Board of Rights, and that, from the first two above indicated, were selected by the accused as members of the Board of Rights, and that, from the three names of potential civilian board members provided by the Police Commission, the civilian board member was selected pursuant to the provisions of Section 202, Article XIX, Charter of the City of Los Angeles and Section 176 of the Board of Rights Manual.

\_\_\_\_\_  
Advocate

By virtue of the power and duty imposed on me by Section 202, Article XIX, Charter of the City of Los Angeles, I hereby appoint the above three named and selected personnel to constitute a Board of Rights to hear and determine the above entitled matter upon its merits, and I hereby appoint \_\_\_\_\_ at \_\_\_\_\_ hrs as being the day and time, and designate \_\_\_\_\_ as being the place at and when the hearing of the case shall commence.

The above named board members are hereby directed to appear at the time and place herein described and proceed as prescribed by the aforesaid Section 202, Article XIX, Charter of the City of Los Angeles.

\_\_\_\_\_ may be present in person, and with an attorney or representative or both and offer his defense at the time and place herein specified.

Dated \_\_\_\_\_

\_\_\_\_\_  
Chief of Police

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the above statement upon \_\_\_\_\_  
at \_\_\_\_\_ hours \_\_\_\_\_, 19\_\_\_\_.

☐ By handing him/her a copy thereof personally at \_\_\_\_\_.

☐ By forwarding a copy by mail addressed to him/her at last known address at \_\_\_\_\_  
\_\_\_\_\_ because he/she cannot be found.

**LOS ANGELES POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE**

**ASSIGNMENT OF DEFENSE  
REPRESENTATIVE**

In the matter of \_\_\_\_\_

TO: \_\_\_\_\_, Member of the Los Angeles Police Department

In execution of the duty imposed upon me by Section 202, Article XIX, Charter of the City of Los Angeles and by reason of your selection by \_\_\_\_\_, the accused, I hereby assign you to act as the defense representative in the matter of \_\_\_\_\_ to be heard before a Board of Rights at \_\_\_\_\_ hours on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_.

It is your duty to use every legal means available and to exercise the best efforts of which you are capable to defend the accused at said hearing. You shall properly identify yourself as the accused officer's defense representative to each party you contact in relation to this investigation. You shall report to the Employee Representation Section, Personnel Group, to arrange your work schedule while assigned as a defense representative.

Copy of complaint in the above matter is hereto attached.

Date \_\_\_\_\_

\_\_\_\_\_  
Chief of Police

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the above statement upon \_\_\_\_\_  
at \_\_\_\_\_ hours, \_\_\_\_\_, 19\_\_\_\_ by:

- ☐ Personally handing a copy to him/her at \_\_\_\_\_ (Location)
- ☐ Forwarding a copy thereof by Department mail to his/her Division of assignment.

A copy has been forwarded thereof by mail to the defense representative, his/her commanding officer and the accused officer.

# BOARD OF RIGHTS REQUEST FOR SUBPOENA

Date \_\_\_\_\_

City Clerk  
City of Los Angeles

Demand is hereby made upon you under the authority of Section 202, Article XIX, Charter of the City of Los Angeles, for the issuance of subpoenas, for the following named persons to attend as witnesses and to produce such documents or things as specified herein after in a hearing before the Board of Rights in the matter of

\_\_\_\_\_ to be held at \_\_\_\_\_

\_\_\_\_\_ on \_\_\_\_\_, to wit:  
Date and Time

Date and Time

## BOARD OF RIGHTS

**Chairperson**

70-01.70 (R 2/96)

**Member**

Member



LOS ANGELES POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE

DECISION OF THE BOARD OF RIGHTS and EXECUTION OF THE ORDER

IN THE MATTER OF \_\_\_\_\_ )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )

BOX FILE NO. \_\_\_\_\_

DATED \_\_\_\_\_

TO THE CHIEF OF POLICE:

DECISION OF THE BOARD

The above-entitled matter came on regularly for hearing before this Board of Rights on the verified complaint of \_\_\_\_\_, filed with the Board of Police Commissioners on \_\_\_\_\_, 19\_\_\_\_, all preliminary and jurisdictional requirements having been substantially complied with: The accused having been provided all rights set forth in the Los Angeles City Charter Section 202, the Board having heard all evidence properly and legally offered and the accused given a reasonable opportunity to defend against the charges preferred.

After a full and impartial hearing on its merits, the Board deliberated and carefully considered all the evidence adduced before it at such hearing and upon such evidence and not otherwise base and hereby certifies its decision as follows:

The Board finds that accused is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Board therefore prescribes its penalty as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We hereby certify to the above:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Dated \_\_\_\_\_

EXECUTION OF THE ORDER

To \_\_\_\_\_, member of the Los Angeles Police Department:

Under the power conferred upon me by Section 202, Article XIX, Charter of the City of the Los Angeles, I hereby

☐ \_\_\_\_\_ you from your position as \_\_\_\_\_ in the Los Angeles Police Department, for a period of \_\_\_\_\_ working days with total loss of pay, effective \_\_\_\_\_, 19\_\_\_\_, pursuant to the above order of the Board of Rights.

☐ demote you from your position as \_\_\_\_\_, Code No. \_\_\_\_\_, to the position of \_\_\_\_\_, Code No. \_\_\_\_\_, effective \_\_\_\_\_, 19\_\_\_\_, pursuant to the above order of the Board of Rights.

Dated \_\_\_\_\_

\_\_\_\_\_  
Chief of Police

The time limit for seeking review of this administrative determination and preparation of record is governed by Section 1094.6 of the California Code of Civil Procedure. See reverse side for that Section.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon \_\_\_\_\_ at \_\_\_\_\_ hours \_\_\_\_\_, 19\_\_\_\_.

☐ By handing him/her thereof personally at \_\_\_\_\_ (address) \_\_\_\_\_.

☐ By forwarding a copy thereof by mail addressed to him/her at last known address at \_\_\_\_\_ (address) \_\_\_\_\_ because he/she cannot be found.

**SECTION 1094.6**  
**CALIFORNIA CODE OF CIVIL PROCEDURE**

**§1094.6. [Time limit for seeking review of administrative determinations: Preparation of record: Application to local agency]**

(a) Judicial review of any decision of a local agency, other than school district, as the term local agency is defined in Section 54951 of the Government Code, or of any commission, board, officer or agent thereof, may be had pursuant to Section 1094.5 of this code only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

(b) Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is made. If there is such provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected.

(c) The complete record of the proceedings shall be prepared by the local agency or its commission, board, officer, or agent which made the decision and shall be delivered to the petitioner within 90 days after he has filed a written request therefor. The local agency may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case.

(d) If petitioner files a request for the record as specified in subdivision (c) within 10 days after the date the decision becomes final as provided in subdivision (b), the time within which a petition pursuant to Section 1094.5 may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

(e) As used in this section, decision means a decision subject to review pursuant to Section 1094.5, suspending, demoting, or dismissing an officer or employee, revoking, or denying an application for a permit, license, or other entitlement, or denying an application for any retirement benefit or allowance.

(f) In making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.

As used in this subdivision, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(g) This section shall be applicable to a local agency only if the governing board thereof adopts an ordinance or resolution making this section applicable. If such ordinance or resolution is adopted, the provisions of this section shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply. (end of section)



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 10

July 17, 1996

SUBJECT: STAFF INSPECTOR POSITION - ESTABLISHED

**PURPOSE:** In order to enhance the benefits of the Chief's Duty Officer (CDO) program, and to ensure timely staff officer response and oversight at the scenes of significant incidents, the position of Staff Inspector is established. This position will provide a staff-level presence in the City during those times when the tempo of law enforcement activity is typically at its highest. This Order also delineates the duties and responsibilities of the Staff Inspector.

The CDO program has effectively provided a command presence and oversight of Department activities during non-business hours. It has also increased awareness of off-hours operational efficiency and related issues.

The Staff Inspector is not intended to replace the CDO position. It will provide additional staff oversight, consistency, and coordination of Department operations during non-business hours when direct management intervention is necessary or desirable.

**PROCEDURE:** Effective immediately, the position of Staff Inspector is established. The Staff Inspector is in the line command of the Chief of Staff, shall be identified by the radio unit designation Staff 4D, and is assigned Correspondence Reference Number 1.5.10.

**A. Staff Inspector - Responsibilities.** The Staff Inspector is responsible for:

- \* Coordinating the Chief's Duty Officer Program, and providing appropriate staff-level support to the on-duty CDO;
- \* Monitoring significant planned or spontaneous events, as appropriate or at the request of an Office Director or Bureau commanding officer;
- \* Auditing Department-wide operations, including:

*Field deployment*, with special emphasis on patrol division coverage, basic car integrity, P.M. watch detective operations, supervisory personnel levels, field training officer efforts, and specialized unit activities.

*Operational readiness*, including Mobile Field Force response capabilities, disaster and special event planning, fleet readiness and maintenance, emergency equipment and supplies, standing plans, station security measures, and the conditions of satellite locations.

July 17, 1996

**Administrative procedures**, such as roll call training, personnel complaint and commendation procedures, desk operations, pursuit protocol, investigation of use of force incidents, compressed work schedules, district policing, in-car video program, incidents resulting in death or serious injury to an officer or suspect, Area and Bureau commanding officer response time, and effective utilization of overtime.

- \* Conducting special audits, surveys, and inspections as directed by the Chief of Staff; and
- \* Providing written feedback on observations to appropriate staff and command personnel.

**B. Staff Inspector - Special Duties.** The Staff Inspector is responsible for the following special duties:

- \* Off-hours visitation to seriously ill or injured personnel in coordination with the activities of the Wellness Coordinator.
- \* Providing staff level presence and oversight at the scene of planned search and/or arrest warrants at the request of the concerned staff officer.
- \* Generating commendatory citations for extraordinary individual job performance, and Area programs or activities.

The Staff Inspector will be on-duty primarily during non-business hours, and may be contacted through Detective Headquarters Division. Contact during regular business hours shall be effected through the Office of the Chief of Staff.

**AMENDMENTS:** This Order amends Sections 2/062., 2/206., 2/209., 4/110.10, and 5/080.96 of, and adds Section 2/214. and 2/214.04 to, the Department Manual.



**WILLIE L. WILLIAMS**  
Chief of Police

Distribution "A"





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 11

AUGUST 2, 1996

**SUBJECT:** SMOKING POLICY

**PURPOSE:** On January 1, 1995, the California State legislature enacted legislation which prohibits the smoking of tobacco products in all enclosed places of employment, which includes all employer-owned/operated vehicles. This Order establishes Department policy to comply with State law and standardizes Department policy on the use of tobacco products by Department employees.

**POLICY:** Department employees, both sworn and civilian, shall not smoke any type of tobacco product in any enclosed place of employment.

Uniformed sworn employees shall not smoke tobacco products or hold any pipe, cigar, or cigarette, except as may be required during the course of their duties, while in public view. For the purpose of this policy, uniformed officers on free time (Code 7) or who, with the approval of their commanding officer, are representing the Department in an activity for which the uniform is being worn (Manual Section 3/606.15), are considered on-duty. Non-uniformed sworn employees conducting official Department business shall not smoke any tobacco products while engaged in contact with a citizen or while in a residence or business.

**Exception:** Off-duty uniformed employees (active and retired) away from the place of employment are excluded from this policy.

**Note:** Commanding officers shall designate an appropriate outdoor location(s) within their commands where employees will be allowed to smoke. Designated smoking areas should not be visible to the general public.

The Commanding Officer, Fiscal Support Bureau, is responsible for Parker Center and has designated the San Pedro Street side of the Building as the smoking area for this facility.

**AMENDMENTS:** This Order adds Sections 1/210.65 to the Department Manual.

**AUDIT RESPONSIBILITIES:** Each bureau commanding officer shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



**WILLIE L. WILLIAMS**  
Chief of Police

**DISTRIBUTION "A"**





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 12

SEPTEMBER 12, 1996

**SUBJECT: IN-SERVICE TRAINING DIVISION - ESTABLISHED**

**PURPOSE:** Proper oversight and coordination of continuing professional training is essential for maintaining Department standards, ensuring compliance with Peace Officer Standards and Training (P.O.S.T.) requirements and providing training mandated by State and federal laws. To ensure that the Department achieves these training objectives, this Order establishes In-Service Training Division and transfers certain special duties from Training Division to In-Service Training Division.

**PROCEDURE:**


- I. IN-SERVICE TRAINING DIVISION - ORGANIZATION.** In-Service Training Division is established within Training Group, and is composed of:
  - \* Office of the Commanding Officer.
  - \* Professional Development Section.
  - \* Instructor Development Unit.
  - \* Field Training Services Unit.
  - \* Television, Photo, and Sound Unit.
  - \* Art Unit.
  - \* Material Resources Center.
- II. COMMANDING OFFICER, IN-SERVICE TRAINING DIVISION.** The Commanding Officer, In-Service Training Division, under the direction of the Commanding Officer, Training Group, has line command over the operations of In-Service Training Division.
- III. IN-SERVICE TRAINING DIVISION - OFFICE OF THE COMMANDING OFFICER - SPECIAL DUTIES.** In-Service Training Division is responsible for the following special duties:
  - \* Evaluating emergency requests for and ensuring the availability of television production equipment and personnel in cases of extreme urgency.
- IV. IN-SERVICE TRAINING DIVISION - FUNCTIONS.** In-Service Training Division is responsible for:
  - \* Administration of Department training programs by:
    - \* Researching Departmental training needs and developing training curriculum for specified in-service schools;
    - \* Coordinating the Cultural Awareness, Community-Police Problem Solving Training and Civilian Employee Training programs; and

- \* Evaluating and validating training programs to ensure that standards are met.
  - \* Preparation of training materials by:
    - \* Producing and duplicating instructional materials;
    - \* Maintaining quality control of training aids and materials;
    - \* Maintaining and operating the division's video/audio equipment and color-video van; and
    - \* Providing technical assistance for the production of videotapes.
  - \* Administering the Management Development Program by:
    - \* Conducting programs for personnel management and executive development.
  - \* Administering continuing in-service schools, various command staff schools, the In-Service Training Delivery Plan schools, and other designated in-service training schools.
- V. **IN-SERVICE TRAINING DIVISION - SPECIAL DUTIES.** In-Service Training Division is responsible for the following special duties:
- \* Providing staff support to the Management Advisory Board in ranking candidates for the FBI National Academy and other scholarships and awards; and
  - \* Administering departmental participation in activities sponsored by the William H. Parker Los Angeles Police Foundation.
- VI. **IN-SERVICE TRAINING DIVISION - SPECIAL FILES.** In-Service Training Division shall maintain the following special files:
- \* Records of training provided by In-Service Training Division to employees of this Department and outside agencies.
- VII. **PROFESSIONAL DEVELOPMENT SECTION - RESPONSIBILITIES.** The Professional Development Section has line supervision over the following units:
- \* Training Coordination Unit.
  - \* P.O.S.T. Unit.
  - \* Civilian Training Unit.
  - \* Arrest and Control Training Unit.
- VIII. **CORRESPONDENCE REFERENCE NUMBER.** In-Service Training Division is assigned Correspondence Reference Number 2.2.3. Official correspondence addressed to, or initiated

by, the In-Service Training Division shall bear the assigned reference number.

- IX. UNIT DESIGNATION.** The radio unit designation for the Commanding Officer, In-Service Training Division, shall be identified by the word "Commander" followed by "19H." All other In-Service Training Division personnel shall be identified by "19H" followed by the numerical designation assigned by the Commanding Officer, In-Service Training Division.

**AMENDMENTS:** This Order amends Sections 2/540.10, 2/540.05, 2/540.10, 2/540.15, 2/540.20, 2/540.25 of, and adds Sections 2/560.01, 2/560.05, 2/560.10, 2/560.20, 2/560.25, 4/110.20, 5/080.96 to the Department Manual.



**WILLIE L. WILLIAMS**  
Chief of Police

**DISTRIBUTION "D"**



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13

OCTOBER 4, 1996

**SUBJECT: APPLICATION FOR A LICENSE TO CARRY A CONCEALED FIREARM, FORM 12.49.1 - ACTIVATED**

**PURPOSE:** In 1993 the Board of Police Commissioners transferred authority for issuing licenses to carry a concealed firearm to the Chief of Police. The Department also revised its policy for the issuance of a license to carry a concealed firearm, and adopted the Concealed Weapon License Application, Temporary Form 331.

This Order amends the Department Manual to reflect current procedures for the issuance of a license to carry a concealed firearm(s); deactivates the Concealed Weapon License Application, Temporary Form 331; and activates the Application for a License to Carry a Concealed Firearm, Form 12.49.1.

**PROCEDURE:**

- I. **CONCEALED WEAPON LICENSE APPLICATION, TEMPORARY FORM 331 - DEACTIVATED.** The Concealed Weapon License Application, Temporary Form 331, is deactivated.
- II. **APPLICATION FOR A LICENSE TO CARRY A CONCEALED FIREARM, FORM 12.49.1 - ACTIVATED.** The Application for a License to Carry a Concealed Firearm, Form 12.49.1, is activated. Area Commanding Officers shall ensure that an adequate supply of Form 12.49.1 are maintained at each Community Police Station and provided to the public upon request.

**USE OF FORM:** This form is used by any eligible resident of the City of Los Angeles to apply for a license to carry a concealed firearm, as defined in Section 12050 of the Penal Code.

**COMPLETION:** The form shall be completed and signed by the applicant. Incomplete or incorrect applications will not be accepted. The completed application shall be forwarded to the Gun Unit, Detective Headquarters Division, for investigation. Upon completion of the investigation, the application with recommendations shall be forwarded to the Office of the Chief of Police for approval.

**DISTRIBUTION:**

1 - Original, to Gun Unit, Detective Headquarters Division.

- III. **GUN UNIT, DETECTIVE HEADQUARTERS - RESPONSIBILITIES.** The Gun Unit, Detective Headquarters Division, shall investigate all applications for concealed firearm licenses. Completed investigations shall be forwarded to

OCTOBER 4, 1996

the Office of the Chief of Police, who will review and approve or deny the request.

**FORM AVAILABILITY:** The Application for a License to Carry a Concealed Firearm, Form 12.49.1, will be available for ordering from Supply Division within 90-120 days. A copy of Form 12.49.1, is attached for duplication as needed. Temporary Form 331 shall be marked "obsolete" and placed into the divisional recycling bin.

**AMENDMENT:** This Order amends Sections 4/540.32, 4/560.40, 4/767.05, 4/767.10 of, and adds Section 5/12.49.1 to, the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



**WILLIE L. WILLIAMS**  
Chief of Police

Attachment

DISTRIBUTION "A"



# LOS ANGELES POLICE DEPARTMENT

## APPLICATION TO CARRY A CONCEALED FIREARM

LAST NAME (PRINT IN INK OR TYPE)		FIRST NAME		MIDDLE NAME	
RESIDENCE ADDRESS			CITY/STATE	ZIP CODE	RESIDENCE PHONE
BUSINESS ADDRESS			CITY/STATE	ZIP CODE	BUSINESS PHONE
OCCUPATION	SEX	RACE	HEIGHT	WEIGHT	COLOR HAIR
DATE OF BIRTH	PLACE OF BIRTH			CITIZENSHIP	
SOCIAL SECURITY NO.			DRIVER'S LICENSE/CALIF. ID NO.		

I CERTIFY THAT I AM KNOWLEDGEABLE IN THE USE AND SAFE HANDLING OF THE FIREARM(S) WHICH WILL BE LISTED ON THE LICENSE, AS INDICATED BY THE FOLLOWING: (CHECK ALL APPLICABLE BOXES)

- ☐ Completion of training from an Advanced Officer Training Institute approved by the California State Bureau of Collection and Investigative Services.
- ☐ Completion of Firearm Safety Training from Department of Fish and Game or other recognized association; e.g., National Rifle Association.
- ☐ Completion of Firearm Safety Training from a private firearms instructor.
- ☐ Completion of Firearm Training in the military service.
- ☐ Other (Attach explanation).

As a condition of issuance, I agree to indemnify the Chief of Police, the City of Los Angeles and its employees from any lawsuits associated with the use of this license to carry a concealed firearm, the privileges received, and/or any actions which I may take pursuant thereto.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

### ADMONITION

On October 9, 1986, the California State Supreme Court ruled, in C.B.S., INC. VS BLOCK, ET. AL., that information contained in this application is generally a matter of public record and, pursuant to the Public Records Act, a copy of the application will be provided to anyone who requests it.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

YES

NO

☐☐

Do you now have, or have you ever had, a concealed firearm license?

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

☐☐

If the conditions under which this license is issued should no longer exist, do you promise to notify the Chief of Police, and surrender the license if necessary?

☐☐

Have you ever been arrested for a crime (felony, misdemeanor, infraction, traffic warrant, or accident)? If so, list the agency, date, charge, and disposition of the incident. (Use additional sheets if necessary).

☐☐

Are you currently on parole or probation from any state or jurisdiction for a conviction of any criminal offense?

☐☐

Are you now, or within the past three years have you been, under any restraining orders from any courts?

☐☐

Are you now, or were you ever, addicted to the use of illegal narcotics or alcohol?

☐☐

Have you ever received treatment for drug or alcohol-related abuse or illness?

☐☐

Have you ever suffered from or had occasion to be hospitalized for mental or emotional problems?

☐☐

Are you currently under the care of a doctor for any mental or physical illness?

Set forth a statement of facts from which the Chief of Police could establish that your needs are within the criteria used for the issuance of a concealed firearm license, and why in your opinion there are no other means whereby your personal safety can be assured. (Use additional sheets if necessary; attach whatever supporting documents that may assist in establishing justification for this request).

I do hereby agree to allow a background investigation of myself, and the contact of any person who may aid in this investigation to determine whether a concealed firearm license should or should not be issued, including my employer.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

I hereby certify under penalty of perjury that the answers I have given herein are true and correct to the best of my knowledge and belief. I understand and agree to the provisions and conditions herein or otherwise imposed, and I have read and understand all the applicable statutes made and provided concerning the license to carry a concealed firearm in the State of California.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## **CONCEALED FIREARM LICENSE POLICY**

In accordance with Penal Code Section 12050, and subject to Department procedure, any resident of the City of Los Angeles may obtain an application for authorization to carry a concealed firearm. Residents may obtain these applications from any community police station, or Parker Center (150 North Los Angeles Street). All applications shall be returned to the Gun Unit, Detective Headquarters Division, Parker Center for processing.

The issuance of licenses enabling private citizens to carry concealed firearms is of great concern to our Department. Our overriding policy is that no concealed firearm license should be granted merely for the personal convenience of the applicant. No position or job classification in itself should constitute good cause for the issuance or denial of a license. Each application shall be individually reviewed for cause.

Each applicant must demonstrate proof of residence and good character. In addition, good cause for the purposes of Penal Code Section 12050 shall exist only if the following elements prevail:

- 1      Convincing evidence of a clear and present danger to life or great bodily harm to the applicant, applicant's spouse, or dependent child;  
  
         The danger cannot be adequately dealt with by existing law enforcement resources;  
  
         The danger cannot reasonably be avoided by alternative measures; and  
  
         The danger would be significantly mitigated by the carrying of a concealed firearm.
- 2      The applicant possesses a valid certificate from an advanced officer training institution approved by the California State Bureau of Collection and Investigative Services, attesting to the applicant's satisfactory completion of at least twenty-four hours of training. (Alternative proof of firearms proficiency may be submitted for review and possible acceptance in lieu of this certification).

The residency requirement will be fulfilled upon presentation of an approved, recognized identification card and at least one recent utility bill or rent receipt. The cause requirement will only be fulfilled by thoroughly justifying the applicant's need to the Chief of Police or his designee on the application form. The character requirement will be fulfilled by, but not limited to, a criminal history check and background investigation.

In addition, the Department may place special limitations further limiting the time, place, and the circumstances under which the license is valid.

When each license is issued, the general restrictions and any special limitations will be noted on the reverse side.

## **APPLICATION TO CARRY A CONCEALED FIREARM INSTRUCTIONS**

Applicants are required to complete an application in support of a concealed firearm license, as per the policy of the Office of the Chief of Police. The applicant is advised that all pages of the application are mandatory and must be completed thoroughly and correctly. If any part of the application is incomplete or incorrect, it shall be returned to the applicant.

The applicant shall include with his/her application, proof of residency within the City of Los Angeles. Proof of residency is defined as a copy of the following two items: a recognized California identification card and at least one recent utility bill or rent receipt showing the applicant's name and residence address.

The applicant is advised to read the enclosed concealed firearm license policy and to address the cited criteria within the application. Any copies of crime reports or other evidence that the applicant wishes to provide as support of good cause may be attached to the application.

All applications and related materials should be returned to the following address:

**LOS ANGELES POLICE DEPARTMENT  
GUN UNIT - DHD  
150 N. LOS ANGELES STREET, #309  
LOS ANGELES, CA 90012**

Upon return of the completed application, the Gun Unit, Detective Headquarters Division, will then investigate the application and forward the completed investigation to the Office of the Chief of Police for consideration.

Should the Chief decide to grant a license, the applicant will be required to proceed to a licensed fingerprinting agency for the completion of two State of California fingerprint cards (Form # BID 7.5-90). The two completed fingerprint cards, along with a check/money order (made payable to the State of California, DOJ, for current processing charges) must be returned for processing through the Department of Justice, Criminal Records Section, as per state law, before the issuance of a license.

The applicant shall meet all conditions and requirements so ordered by the Chief of Police before receiving any license.





OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 14

OCTOBER 15, 1996

**SUBJECT: MISCELLANEOUS MANUAL AMENDMENT**

**PURPOSE:** This Order informs Department employees of certain additions and revisions to the Department Manual.

**PROCEDURE:**

**I. GUIDELINES FOR OFFICER-INVOLVED SHOOTINGS AND BOMB EMERGENCIES, FORM 18.43.0 - ESTABLISHED.** Tactical Planning Section, Uniformed Services Group, and the Homicide Special Section III, Robbery-Homicide Division, have revised procedures for first responders to officer-involved shootings and bomb emergencies. This Order activates Guidelines for Officer-Involved Shootings and Bomb Emergencies, Field Notebook Divider (FND), Form 18.43.0, and deactivates the Checklist for Officer-Involved Shootings and Bomb Emergencies, Form 14.17.0.

**A. Checklist for Officer-Involved Shootings and Bomb Emergencies, Form 14.17.0 - Deactivated.** This form has been deactivated; however the information contained on the form will be included in the next revision of the Tactical Manual, and may be photocopied or obtained from the Local Area Network System.

**B. Guidelines for Officer-Involved Shootings and Bomb Emergencies, Field Notebook Divider, Form 18.43.0 - Activated.** This divider provides field personnel with guidelines to assist them in preliminary investigations of officer-involved shootings and bomb emergencies. These guidelines may be modified for specific field situations.

**FORMS AVAILABILITY:** Guidelines for Officer-Involved Shootings and Bomb Emergencies, Field Notebook Divider, Form 18.43.0, will be available for ordering from Supply Division within 60-90 days. The discontinued Form 14.17.0 shall be bundled, marked "obsolete" and placed into the divisional recycling bin.

**AMENDMENTS:** This Order deletes Section 5/14.17.0 of, and adds Section 5/18.43.0 to, the Department Manual.

**II. RADIO DESIGNATION FOR TRAINING DIVISION.** This Order assigns the radio unit designation for Training Division.

The Commanding Officer, Training Division, shall be identified by the word "Commander" followed by "18H." All other Training Division personnel shall be identified by "18H" followed by a numerical unit designation assigned by the Commanding Officer, Training Division.



**AMENDMENTS:** This Order amends Sections 4/110.20 and 4/110.40 of the Department Manual.

**III. TRANSFER OF RESPONSIBILITIES FOR DEPARTMENT COMMUNICATION EQUIPMENT.** This Order re-assigns specified Communications Division responsibilities to Fiscal Operations Division and Emergency Command Control Communications System Division.

**A. Fiscal Operations Division - Special Duties.** Fiscal Operations Division shall be responsible for the following special duties:

- \* Maintaining inventory and tracking records of Department cellular telephones, pagers, and facsimile machines;
- \* Coordinating and prioritizing requests for; assignment of; and the installation and service of; cellular telephones, pagers and facsimile machines;
- \* Conducting pertinent audits; and
- \* Preparing the Department's annual communications equipment budget.

**B. Fiscal Operations Division - Special Files.** Fiscal Operations Division is responsible for maintaining the following special files:

- \* The Department cellular telephone and pager file; and
- \* The Department facsimile machine file.

The cellular telephone, pager and facsimile machine files shall document users, locations, serial numbers, and phone numbers, as appropriate.

**C. Emergency Command Control Communications System Division - Special Duties.** Emergency Command Control Communications System Division is responsible for the following special duties:

- \* Maintaining inventory and tracking records of Department-issued ROVERs, ASTROs, hand-held Saber radios, scanners, and mobile digital terminals; and
- \* Reviewing, evaluating, and prioritizing all requests for the acquisition of new radio communications equipment.

**AMENDMENTS:** This Order amends Sections 2/340.06, 2/340.18, 2/420.10, 2/420.15 and 3/566 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Fiscal Support Bureau and the Commanding Officer, Communications Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**IV. INMATE MEDICAL SCREENING FORM, FORM 5.35.0 - REVISED.**

Recent incidents involving sick and/or injured arrestees have disclosed the need to advise Detention Officers of arrestees who possess prescribed medication and/or have been exposed to conditions or situations which may result in breathing difficulty.

This Order revises and retitles the Inmate Medical Screening Form, Form 5.35.0, to document arrestee responses concerning the possession of prescribed medication and exposure to conditions or situations which may result in breathing difficulty.

**A. Inmate Medical Screening Form, Form 5.35.0 - Revised.**

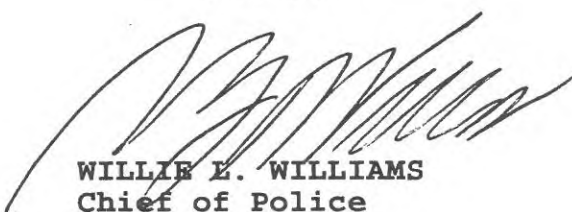
The Inmate Medical Screening Form is retitled, **Arrestee Medical Screening Form**.

**B. Use, Completion, and Distribution of Form.** The use, completion, and distribution instructions for this form have not been changed. Officers shall continue to complete Form 5.35.0 for each arrestee who is booked and detained in a Department or County jail facility.

**FORM AVAILABILITY:** The Arrestee Medical Screening Form, Form 5.35.0, will be available for ordering from Supply Division within 90-120 days. Existing stock shall be recycled and the attached Form 5.35.0 shall be duplicated as needed until the revised form is available for ordering.

**AMENDMENTS:** This Order amends Sections 4/648.03, 4/648.25 and 5/5.35.0 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Support Services Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/80.30.



**WILLIE E. WILLIAMS**  
Chief of Police

Attachment

**DISTRIBUTION "A"**

# LOS ANGELES POLICE DEPARTMENT ARRESTEE MEDICAL SCREENING FORM

ARRESTEE'S NAME LAST	FIRST	MI	DATE	TIME	BOOKING #
----------------------	-------	----	------	------	-----------

**If yes to any of questions 1-4 and 6-8, contact Jail Division or Valley Jail Section dispensary for advice. (Contact may be telephonic.)**

1. Are you ill, injured, or in need of medication or medical attention? .....  
If Yes: Explain \_\_\_\_\_
2. Do you have or have you ever had: TUBERCULOSIS? .....  
 VENEREAL DISEASE? .....  
 HEPATITIS? .....  
 A.I.D.S. OR H.I.V.+? .....  
 ANY OTHER COMMUNICABLE DISEASE? .....  
 If Yes: When? \_\_\_\_\_
3. Do you have any current medical problems: DIABETES? .....  
 HEART TROUBLE? .....  
 EPILEPSY? .....  
 DRUG/ALCOHOL WITHDRAWAL? .....  
 ASTHMA? .....  
 If Yes: Explain \_\_\_\_\_
4. Are you presently taking medication? If Yes: What Type? .....  
 Do you have any medication in your possession? \_\_\_\_\_
5. Are you now or have you ever been a mental patient or under the care of a psychiatrist or psychologist?  
 If Yes: Explain \_\_\_\_\_

**Female**

6. Are you presently taking birth control medications? If yes: What type? .....
7. Are you pregnant? If yes: How many months? .....
8. Are you breast feeding? .....

I acknowledge that the above information is correct.  
 Arrestee's Signature: \_\_\_\_\_

**OFFICER'S VISUAL OBSERVATION**

	YES	NO
1. Does the arrestee's appearance or behavior suggest that his or her consciousness level is impaired? (Difficult to arouse, disorganized, confused, decreased breathing, increasing lethargy.) If yes, obtain immediate medical treatment.		
2. Does the arrestee have obvious symptoms suggesting the need for emergency care? (Bleeding, difficulty breathing, cold, clammy perspiration, muscular twitching, violent shaking, nausea and vomiting, convulsions.) If yes, obtain immediate medical treatment.		
3. Does the arrestee appear to be under the influence of drug/alcohol? (Anxiety or reduced activity, decreased or altered breathing, difficult to arouse, reddened eyes, poor circulation, sleepiness, unsteadiness, or odor of alcoholic beverage on the breath.)		
4. Are there visible signs of alcohol/drug withdrawal? (Muscular twitching, tremors, convulsions, nausea and vomiting, profuse sweating, hallucinations, delusions, restlessness, anxiety, continuous yawning, irritation of respiratory passages evidenced by runny nose and tearing, increased breathing.) If yes, obtain medical treatment.		
5. Does the arrestee's behavior suggest the risk of suicide? (Severe depression, sadness, withdrawal-silence, insomnia, mood variations, lethargy, history of previous suicide attempt.)		
6. Does the arrestee's behavior suggest a mental disorder? (Disordered social behavior: violent, confusion and disorganization, hallucinations, profound depression, anxiety, irritability, compulsive repetition of small meaningless acts, suspiciousness, fear.)		
7. Do you suspect the arrestee of having body or head lice? (Skin dry and shows signs of irritation, scratching behavior.)		
8. Is the arrestee carrying medication or does the arrestee report being on a medication that must be administered during any special time? If yes, contact jail dispensary for advice.		
9. Does the arrestee appear developmentally or mentally challenged?		
10. Has the arrestee been exposed to conditions or situations which may cause breathing difficulty? (Circle all that apply: OC spray, hobble restraint, physical altercation, foot pursuit, mouth covered, other _____.)		

**JAILER:** If the answer to any question on this form is "yes," the jailer shall determine if the arrestee can be properly detained in the booking facility and ensure that any necessary special confinement or in-custody care is provided.

OFFICER COMPLETING FORM	SERIAL NO.
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OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 15

OCTOBER 28, 1996

SUBJECT: PARKER CENTER MOTOR POOL, VEHICLE REQUEST PROCEDURES -  
REVISED

PURPOSE: Motor Transport Division (MTD) has been experiencing an on-going shortage of Parker Center Motor Pool vehicles available for Department personnel assigned to the civic center area. The shortage has caused delays for employees who rely on the availability of these vehicles to perform necessary duties. In order to minimize the delays and ensure the efficient use of the motor pool resources, this Order revises procedures for the request and use of Department vehicles assigned to the Parker Center Motor Pool and revises the LAPD Transportation Order, Form 11.34.0.

PROCEDURE:

I. LAPD TRANSPORTATION ORDER, FORM 11.34.0 - REVISED

- A. Use of Form. This form shall be used by Department employees assigned to the civic center area when requesting assignment of vehicles from the Parker Center Motor Pool.
- B. Completion. The box previously marked "Purpose of Trip" has been changed to "Estimated Duration and Mileage of Trip."
- C. Distribution.

1 - Original, Motor Transport Division

1 - TOTAL

II. REQUESTING EMPLOYEES' RESPONSIBILITIES. When requesting a Parker Center Motor Pool vehicle, the requesting employee shall:

- \* Complete the appropriate sections of the LAPD Transportation Order, Form 11.34.0, and forward it to the appropriate supervisor for approval;
- \* Advise the approving supervisor of the reason for requesting a pool vehicle; the estimated mileage the pool vehicle will be driven; and how long the vehicle will be in use;



- \* Submit the approved LAPD Transportation Order, Form 11.34.0, to the Motor Pool Dispatcher; and
- \* Once the specified use has been completed, return the vehicle immediately as follows:
  - \* To the Motor Pool Dispatcher;
  - \* When the Motor Pool Dispatch Office is closed, return the vehicle to Property Division; or
  - \* When the Motor Pool Dispatch Office and Property Division are closed, return the vehicle to the Motor Pool Dispatcher before 0900 hours the following business day.

III. SUPERVISORS' RESPONSIBILITIES. The supervisor reviewing an employee's request for a Parker Center Motor Pool vehicle shall:

- \* Ensure that all vehicles assigned to the requesting employee's unit, if applicable, have been utilized;
- \* Ensure that the reason for the request constitutes an appropriate use of the pool vehicle;

**Note:** Inappropriate use of a pool vehicle shall consist of:

- \* Obtaining a pool vehicle when its use is not immediately required (i.e., Holding the vehicle for later use);
  - \* Utilizing a pool vehicle to attend court in the civic center area unless the use can be justified. Justification may include, but is not limited to the transportation of arrestees, victims, witnesses and/or property; and
  - \* Utilizing a pool vehicle for transportation to lunch or for personal business.
- \* Review the LAPD Transportation Order, Form 11.34.0, for completeness;
  - \* Write the estimated number of miles the vehicle will be driven and the duration of the trip on the form;

**Note:** Until existing inventory of LAPD Transportation Order, Form 11.34.0, has been depleted, the estimated mileage and duration of trip shall be written in the "Purpose of Trip" section of the form.



- \* Complete and sign, if appropriate, the LAPD Transportation Order, Form 11.34.0, and return it to the requesting employee.

Note: The practice of "rubber-stamping" or "pre-signing" the transportation orders shall not be permitted.

- \* Ensure the pool vehicle is immediately returned to the Parker Center Motor Pool Dispatcher once the specified use has been completed.

IV. **COMMANDING OFFICERS' RESPONSIBILITIES.** Commanding officers of divisions authorized to request the use of Parker Center Motor Pool vehicles shall:

- \* Ensure that the use of divisional vehicles is maximized by pooling during normal duty hours; and
- \* Ensure that appropriate training is provided to concerned personnel regarding the request and use of pool vehicles.

**FORMS AVAILABILITY.** The LAPD Transportation Order, Form 11.34.0, will be revised at the next routine printing. Existing stock should be used until depleted.

**AMENDMENTS:** This Order amends Sections 3/582.50, 4/286.10, and 5/11.34.0 of, and adds Section 4/286.20 to, the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Fiscal Support Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

  
WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "D"



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 16

NOVEMBER 6, 1996

**SUBJECT:** DEPARTMENT EMPLOYEES NAMED ON PROTECTIVE ORDERS  
RESTRICTING OWNERSHIP AND CONTROL OF FIREARMS

**PURPOSE:** Effective January 1, 1995, Section 6389 was added to the California Family Code. This law established new procedures and conditions for domestic violence related restraining orders, and contains several provisions affecting the rights of persons named on such orders to own, carry, or even possess a firearm. **Police officers are not exempt from this law.**

This Order establishes procedures to be followed when a Department employee is served with a restraining order.

**BACKGROUND:** Any person may petition a magistrate to issue an Order To Show Cause and Temporary Restraining Order (OSC/TRO) against any other person without prior notice to that person. The person requesting the order is the petitioner; the person against whom the order is requested is the respondent. An OSC/TRO consists of specific conditions, primarily stay-away orders, which restrict or prohibit contact with the petitioner by the respondent. Every OSC/TRO includes a notice that the respondent is prohibited from purchasing or receiving, or attempting to purchase or receive a firearm while the order is in effect (Penal Code Section 12021[g]). All provisions of the OSC/TRO are effective immediately upon service of the order to the respondent. **Police officers are not exempt from any restrictions specified in an OSC/TRO.**

**Note:** The temporary prohibition against purchasing or obtaining a firearm under Penal Code Section 12021(g) does not prohibit lawful possession, carrying, or use of currently owned firearms.

Finally, the OSC/TRO includes the date for a follow-up court hearing for the magistrate to consider issuing an Order After Hearing (OAH) and specifying additional conditions, including the firearms-related restrictions authorized under the law.

The magistrate at the follow-up court hearing has the authority to order that the respondent not possess or control any firearm(s) for the duration of the order. If so ordered, **all** firearms currently in the possession or control of the respondent **shall be** relinquished for the duration specified in the order. The firearms shall be surrendered to a local law enforcement agency or sold to a licensed firearms dealer within **24 hours** if the respondent was present at the hearing, or within **48 hours** after **service** of the order if the respondent was not present at the hearing. Proof of relinquishment, in the form of a receipt from the concerned police department or firearms dealer, **shall be** filed with the court within **72 hours** after receiving the order.

Police officers are not exempt from this firearms restriction. However, the law states that "The court may, as part of the relinquishment order, grant an exemption to any respondent who can show that a particular firearm is necessary as a condition of continued employment, and the respondent's current employer is unable to reassign the respondent to duties where a firearm is unnecessary." Such an exemption allows the respondent to have physical possession of the firearm **only** during his/her scheduled work hours and during travel to and from his/her place of employment. Affected officers are strongly encouraged to attend the follow-up hearing to request OAH conditions which will allow them to continue to perform their assigned duties. Officers wishing to carry an additional firearm on duty should request the appropriate specific exemption(s) from the magistrate issuing the protective order.

**Note:** Officers who obtain a firearms exemption will not be approved for any off-duty employment unless the exemption conditions specifically address such activities.

Any officer who is prohibited from carrying a firearm in the course of employment for a substantial period of time **may be recommended to a Board of Rights for termination due to inability to meet a required condition of employment, the necessity that officers be armed** (Department Manual Section 1/556.20).

#### PROCEDURE:

**I. EMPLOYEES' RESPONSIBILITIES.** Any employee who is served with an OSC/TRO shall:

- \* Comply with all conditions of the order;
- \* Immediately notify their immediate supervisor, watch commander or commanding officer of the existence of the order and date of the follow-up court hearing;
- \* Provide their immediate supervisor, watch commander, or commanding officer with their copy of the OSC/TRO on the employee's next scheduled work day, or as otherwise directed by his/her commanding officer;
- \* Obtain correspondence from their commanding officer advising the magistrate that the Department is unable to reassign the employee to duties where the carrying of a firearm is not a necessary condition of employment and may therefore seek termination of the employee; and
- \* On the next scheduled work day after the follow-up court hearing, or as directed by their commanding officer, advise their immediate supervisor or commanding officer of the results of the hearing and present their complete copy of the OAH or other appropriate court document to their immediate supervisor or commanding officer for photocopying and placement in their Division Employee Folder, Form 1.01.

**Note:** It is the responsibility of the concerned employee to request removal of the copy of the OSC/TRO or OAH from their Division Employee Folder upon expiration of the order.

If a magistrate imposes firearms restrictions which require the relinquishment of a City-owned weapon(s), the concerned employee shall surrender the City-owned weapon(s) to their commanding officer within the time limit imposed by the court. The disposition of privately-owned weapons shall be effected in the manner prescribed by the court. Non-exempt firearms **shall not** be retained beyond the relinquishment date specified by the magistrate. An affected employee shall provide their commanding officer proof of compliance with any court-ordered surrender of firearms.

**II. SUPERVISORS' RESPONSIBILITIES.** When a concerned supervisor is notified by any employee that they have been served with an OSC/TRO or OAH, the supervisor shall:

- \* Ensure that the employee provides their copy of the order;
- \* Review the order for restrictions which may affect the employee's work conditions;
- \* Photocopy the order and return the original to the employee;
- \* Ensure that the employee is in compliance with any workplace restrictions, particularly those concerning possession of firearms or contact with another Department employee;
- \* Upon receipt of the OSC/TRO or OAH, obtain a Department of Justice Automated Firearms System printout of all firearms registered to the concerned employee and attach it to the order; and
- \* Forward the copy of the order to their commanding officer with documentation of any action taken to ensure compliance with the provisions of the order.

**Note:** Restraining orders involving Department employees are to be treated as confidential personnel matters which should not be documented on a supervisor's log. If documentation is required, it shall be forwarded to the commanding officer on an Employee Comment Sheet, Form 1.77.

**III. COMMANDING OFFICER'S RESPONSIBILITIES.** When notified that an employee in his/her command has been served with an OSC/TRO or OAH, the concerned commanding officer shall:

- \* Ensure that the employee provided their copy of the OSC/TRO, OAH, or other court documentation denying the request for an OAH;



- \* If needed, provide the employee with appropriate correspondence stating that the Los Angeles Police Department may seek the termination of any employee who is prohibited from carrying a firearm in the course of his/her duties as a police officer due to a criminal conviction or protective order restriction;
- \* Review the document and take appropriate action to ensure compliance with the specified provisions or restrictions, (e.g., appropriate reassignment, notification to the commanding officer of another affected Department employee, confiscation of City-owned firearm(s) and/or verification of required surrender of affected personal firearms, etc.);
- \* Ensure that a photocopy of the document is retained and the employee's copy is returned to the employee;
- \* When appropriate, provide the employee with an Intradepartmental Correspondence, Form 15.02, specifying the date and time of surrender, make, model, and serial number of any relinquished City-owned firearm(s);
- \* Review the document for allegations of misconduct and determine if initiation of a personnel complaint is required; and
- \* Forward a copy of the OSC/TRO or OAH document with **either** an Intradepartmental Correspondence, Form 15.02, recommending no further action or documenting other action taken (e.g., issuance of Notice to Correct Deficiencies, complaint investigation previously initiated, etc.), **or** a Personnel Complaint Investigation, Form 1.81, through the chain-of-command, to the Commanding Officer, Internal Affairs Division.

If an employee fails to make any required notification or fails to provide any specified OSC/TRO or OAH documentation, the concerned commanding officer shall conduct an investigation and determine if disciplinary action is appropriate.

#### IV. RECORDS AND IDENTIFICATION DIVISION - RESPONSIBILITIES.

The Specialized Services Section, Records and Identification Division, shall monitor the Restraining Order System for restraining orders naming Department employees as respondents. The Commanding Officer, Records and Identification Division, shall forward all received restraining order information naming any Department employee as a respondent to the concerned employee's commanding officer and to the Commanding Officer, Internal Affairs Division.




NOVEMBER 6, 1996

- V. **INTERNAL AFFAIRS DIVISION - RESPONSIBILITIES.** Internal Affairs Division shall review all OSC/TRO and OAH documents in which Department employees are named as respondents.

The Commanding Officer, Internal Affairs Division shall consult with the affected employee's commanding officer; and assign investigative responsibility if a personnel complaint investigation is warranted.

**AMENDMENTS:** This Order adds Section 3/838.20 to, and amends Section 2/620.31 of, the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Bureau of Special Investigation, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

  
WILLIE L. WILLIAMS  
Chief of Police

DISTRIBUTION "A"



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 17

DECEMBER 20, 1996

**SUBJECT: PRIVATE PERSON'S ARREST STATEMENT FORM**

**PURPOSE:** This Order activates the Private Person's Arrest Statement Form, Form 5.02.10 for the purpose of documenting a private person's arrest. This Order does not affect procedures outlined in Department Manual Section 4/216.32.

**PROCEDURE:**

**I. PRIVATE PERSON'S ARREST STATEMENT FORM, FORM 5.02.10 - ACTIVATED.**

- A. **Use of Form.** The form is used by sworn employees to document a private person's arrest for misdemeanors not committed in an officer's presence.
- B. **Completion - General.** This form shall be completed by the officers transporting the arrestee. The officers shall also ensure that the arresting person reads, understands and signs the form.
- C. **Distribution.**

1 - Original, attached as the last page of the Arrest Report, Form 5.2.

**II. RECEIVING ARRESTED PERSON - REVISED.** All persons involved in a private person's arrest shall be advised that officers are not making the arrest, but are merely receiving the arrested person. After receiving an arrested person, officers shall verify the identity of the person making the arrest and shall complete a Form 5.02.10 and ensure that the arresting person reads, understands and signs the form. Officers shall also determine the arrestee's eligibility for release from custody.

**Note:** Officers are no longer required to cause the arresting person to write the statement "I have arrested this person" or sign their full name, address, and telephone at the bottom of the Arrest Report, Form 5.2.

DECEMBER 20, 1996

**FORM AVAILABILITY:** The Private Person's Arrest Statement Form, Form 5.02.10, will be available for ordering from Supply Division within 90-120 days. A copy of Form 5.02.10 is attached for duplication as needed.

**AMENDMENTS:** This Order amends Section 4/216.33 of, and adds Section 5/5.02.10 to, the Department Manual.

**AUDIT RESPONSIBILITY:** Bureau commanding officers shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIE L. WILLIAMS  
Chief of Police

Attachment

DISTRIBUTION "A"

LOS ANGELES POLICE DEPARTMENT  
PRIVATE PERSON'S ARREST STATEMENT FORM

AGE NO.	TYPE OF REPORT	BOOKING NO.	DR NO.

PURSUANT TO CALIFORNIA PENAL CODE SECTION 837 (AUTHORITY TO ARREST),

I \_\_\_\_\_, A PRIVATE PERSON,  
please print

HAVE ARRESTED \_\_\_\_\_ FOR VIOLATION  
please print

OF PENAL CODE SECTION (Section and Title) \_\_\_\_\_

A PUBLIC OFFENSE COMMITTED IN MY PRESENCE AT \_\_\_\_\_

\_\_\_\_\_ ON (Date) \_\_\_\_\_ AT (Time) \_\_\_\_\_

I HEREBY DEMAND THAT POLICE OFFICER(S) \_\_\_\_\_

\_\_\_\_\_ OF \_\_\_\_\_ DIVISION TAKE

CUSTODY OF, AND TRANSPORT MY ARRESTEE TO A LOS ANGELES POLICE STATION OR OTHER APPROPRIATE LOCATION FOR BOOKING/PROCESSING. I UNDERSTAND THAT THE OFFICER(S) ARE ONLY TRANSPORTING THIS PERSON AND COMPLETING THE NECESSARY REPORTS. I WISH TO PROSECUTE AND AGREE TO COOPERATE FULLY AND APPEAR WHEN REQUIRED AT ALL STAGES OF THE PROCEEDINGS.

**PLEASE READ BEFORE SIGNING!**

*I have read and understand the above statement of arrest. The officers named above have fully explained the procedures for a private person's arrest of this person in custody.*

Arresting Person's Signature \_\_\_\_\_

Street Address \_\_\_\_\_

City/Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Date of Birth \_\_\_\_\_